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THE TURKISH ARMS EMBARGO: EXECUTIVE-LEGISLATIVE INTERACTION

A Thesis

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Gulay Turhan

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DEDICATION

To my parents who have sacrificed so selflessly

for their children.

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ABSTRACT

Since the late 1960s, Congress has exhibited a new dynamism in exerting its prerogatives in foreign affairs and has increasingly acted to constrain, to limit and often to dominate foreign affairs. Thus, the primary purpose of this study is to examine the Turkish arms embargo issue during the period of 1974-1978 as an illustration of the conflict between the executive and legislative branches over foreign policy issues and of Congress's efforts to impose its own foreign policy objectives on the administration.

The study is based on secondary sources in the form of scholarly works, contemporary newspapers and journal accounts, and public documents such as State Department releases, Congressional hearings and debates.

The study first provides the background of the embargo by describing the general pattern of congressional-executive relations in the foreign policy area and by presenting a brief history of the Cyprus crisis. The congressional decision-making process is then examined with particular attention given to the legal and political components concerning the issue, and to the effects of the following factors: the Post-Vietnam congressional mood to reassert its foreign policy prerogatives; the post-Watergate era crisis of confidence in executive leadership; the role and activities of the Greek-American lobby; disapproval over Turkey's decision to renew production of opium; and congressional dissatisfaction with the strategies and policies of Secretary Kissinger.

The study concludes that congressional activity in this case interfered with effective diplomatic action on the part of the executive branch and that effective foreign policy requires a partnership between the executive and legislative branches. Furthermore, the setting of the United States foreign policy course should be based on an enlightened understanding of the complete context of the countries and peoples involved in order to operate effectively in the complex international system.

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INTRODUCTION

Throughout American history, the field of external affairs has been a battleground in the struggle between the executive and legislative branches. The outcomes of interbranch struggle over foreign policy issues have usually favored the President. Under less vigorous American presidents, the primacy in foreign affairs has at times seemed to pass from the White House to Capitol Hill. Thus, in the political dynamics of executive-legislative relations, there have been two contrasting forms of governmental dominance: one congressional, the other presidential. The swing of the power pendulum has been continual since the foundation of the Republic. Despite the fact that foreign affairs has been a central point of contention between the two branches American history discloses that the principal advantages in the struggle have been with the executive. On the other hand, whenever presidential ascendence proceeded too far, members of Congress have usually come together to assert their constitutional prerogatives.

Since the late 1960s, however, Congress has exhibited a new dynamism and militancy in exerting its prerogatives in foreign affairs. The new assertiveness and activism of Congress, following the Vietnam War and the so-called period of "imperial presidency," have been labeled by some scholars as a new phase of the "enlarged role of Congress" in foreign policy and as a "turning point in the continuing struggle to restore the American system of checks and balances."[1]

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[1]Graham T. Allison, "Making War," Law and Contemporary

The general argument is that in no period of American diplomatic history have the legislative and executive branches been so seriously and bitterly divided over foreign policy issues as in the period following the Vietnam War and the Watergate scandal.[2] Over the past years, Congress has increasingly acted to constrain, to limit and often to dominate foreign affairs, as was the case with the ending the United States's involvement in the Indochina War or in the cutting off of military aid to Turkey. Furthermore, new and innovative tactics have been employed by Congress in the struggle with the White House for control over foreign policy decisions. The primary focus of this study is on one such struggle, and it seeks to highlight the sharp division between the executive and legislative branches over making a specific foreign policy decision--the Turkish arms embargo following the Cyprus crisis.

To examine the Turkish arms embargo issue is important and serves our purpose for many reasons. In recent years, Congress has displayed a tendency to expand its role in foreign affairs by enacting widespread legislation to resolve disagreements with the executive branch and to address specific foreign policy issues. Congressional reassertion of its constitutional role has especially been reflected

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Problems, 40, No. 3 (1976), p. 98.

[2]Cecil V. Crabb, Jr. and Pat M. Holt, Invitation to Struggle (Washington, D.C.: Congressional Quarterly Press, 1980), p. ix.

in the increasing use of the legislative fiat and of statutory prescriptions to overrule presidential decisions on foreign military aid and other types of assistance and on other foreign policy problems. Congress has also become increasingly intent on imposing its own goals on the executive. The Turkish arms embargo issue is a particularly good illustration of the conflict between the two branches over foreign policy issues and of congressional efforts to prevent the President from carrying out one foreign military aid program in order to achieve its own foreign policy objective--to persuade Turkey to seek a quick solution on Cyprus by legal means. Moreover, it not only illuminates the Congress's increasing assertiveness and activism in foreign policy decisions but also reveals the role and activities of ethnic pressure groups and ethnic lobbying in foreign policy-making. Also, the embargo issue is one of the longest lasting executive-legislative disagreements over a foreign policy issue and one in which a combination of diverse factors--such as Congress's reassertion of its constitutional role in foreign affairs, the role and activities of the Greek-American lobby, the dissatisfaction with the strategies and policies of Secretary Kissinger and the general disapproval of Turkey's decision to renew production of opium--played a significant role in prolonging the decision-making process and in blurring the central issue.

In sum, this study centers on a number of fundamental issues. In order to understand the new congressional efforts to play a more influential role in foreign affairs, we need to examine the constitutional and traditional roles of the Presidency and Congress in making

foreign policy and to look at the forces inducing Congress to play a more assertive and active policy role. Therefore, Chapter I will lay the groundwork for understanding the constitutional and traditional powers of the President and Congress in foreign relations. Also in this chapter, post-Vietnam congressional efforts in reviewing, restricting and overruling presidential actions in external affairs are briefly identified.

Chapter II consists of an historical overview of events leading to the Cyprus crisis in 1974. The chapter provides a brief examination of the early history of Cyprus, the 1974 crisis, and the aftermath of the crisis, including the two Turkish "Peace Operations" and the United States's reaction to the Turkish intervention on the island by means of military arms embargo.

In Chapter III, the executive-legislative interaction related to the Turkish arms embargo experience is examined. In the first part of this chapter, the characteristics of the embargo issue are outlined. The legal and political issues concerning the case are illustrated. In other words, the issues that caused the division between the two branches are discussed. Also, the major actors involved in the embargo process are presented with regard to their interests, their positions and their arguments on the legal and political issues. Moreover, in this section, the factors that contributed to the intensive interaction between the White House and Capitol Hill and to Congressional opposition to further military aid to Turkey are pointed out. The second part of the same chapter presents the struggle and debate between certain members of Congress and the President and

his closest advisers over the arms embargo. Congressional initiatives for the military aid cut-off to Turkey, the administration's response and the Congressional action are examined during the period of 1974-78. Finally, the interaction between the two branches, the process of Congressional legislation on the issue and the lines of argumentation advanced by the competing sides of the policy debate are presented and evaluated in relation to the factors involved in the issue.

In Chapter IV, the concluding chapter, the effects and consequences of the current activism and assertiveness of Congress in foreign affairs are discussed particularly in relation to the embargo issue.

CHAPTER I

THE PRESIDENCY, CONGRESS AND FOREIGN AFFAIRS

Foreign Affairs Powers and the Constitution

The competition between the President and Congress over their respective roles in determining foreign policy has a constitutional dimension. Indeed, if the power of the President in foreign affairs is subject to fluctuation, it is because of a fundamental constitutional concept--separation of powers. In domestic affairs the principle of separation is more or less clear. The Constitution gives legislative power to Congress, executive power to the President and judicial power to the courts. On the other hand, the Constitution is vague in its treatment of foreign policy issues, simply providing that foreign policy powers be shared by both the executive and legislative branches. Although the general consensus is for strong Executive authority in the conduct of external relations, the Constitution itself offers no clear demarcation of where legislative authority ends and Presidential prerogative begins, and it remains silent as to which of these organs shall have the decisive voice in determining American foreign policy. As Edward S. Corwin, a significant constitutional authority, puts it "the Constitution . . . is an invitation to struggle for the privilige of directing American foreign policy."[1] By dividing the field of

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[1]Edward S. Corwin, The President: Office and Powers 1787-1957 (4th ed. 1957), p. 171, as quoted in Cecil V. Crabb, Jr.

external relations among the President, the Senate and the House, the framers intended that no one branch would be permanently ascendent in the foreign affairs struggle and that checks and balances would govern the conduct of foreign affairs as well.

Whatever the framers's precise intentions were, throughout American history, the executive branch, headed by the President, emerged as the primary decision-maker in the foreign policy process. The Supreme Court has affirmed the prerogatives of the chief executive to manage foreign relations describing "the very delicate plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations."[2]

Constitutional Authority of the President

The powers of the President with respect to foreign affairs are set forth in Article II of the Constitution. Article II begins with the clause that states, "The executive power shall be vested in a President of the United States of America." The Article goes on to say that the President shall be the "Commander-in-Chief of the Army and Navy of the United States," and that he "shall take care that the laws be faithfully executed." Furthermore, Article II

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and Pat M. Holt, Invitation to Struggle (Washington, D.C.: Congressional Quarterly Press, 1980), p. ix.

[2]United States v. Curtiss-Wright Export Corporation, 299 U. S. 304 (1936), as quoted in Louis Henkin, Foreign Affairs and the Constitution (New York: The Foundation Press, Inc., 1972), p. 37.

provides that the President "shall have the power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur," and to "appoint Ambassadors, other Public Ministers and Consuls"--also subject to the advice and consent of the Senate. A subsequent section states that the President "shall receive Ambassadors and other Public Ministers." On the face of it, this is the power that the Constitution grants the President in foreign affairs. In the realities of American politics, however, these powers have been expanded and asserted by the presidents to conduct external affairs.

Constitutional Prerogatives of Congress

Several constitutional provisions give Congress specific functions in the foreign policy field. Congress has the constitutional power to "declare war," to "raise and support Armies," to "provide and maintain a Navy," to make rules for the regulation of the armed forces, to regulate inter-state and foreign Commerce and, through the Senate, to consent to treaties and to the appointment of ambassadors and other key officials in the foreign establishment. Furthermore, Article I of the Constitution grants Congress power "to make all laws which shall be necessary and proper for carrying into Execution" any of its constitutionally delegated responsibilities (Article I, section 8).

The "power of the purse," including power over expenditures as well as revenues, is one of the most important weapons granted to Congress in the Constitution. Article I, Section 9 states that "No

money shall be drawn from the Treasury, but in consequence of Appropriations made by law . . . ." Major programs depend on the "spending power" of Congress, and much of the increased role played by Congress in foreign policy is related to its constitutional monetary powers. Since all expenditures must be approved by Congress, it can play an important role in foreign affairs by simply restricting, increasing or witholding funds for external programs and policies recommended by the White House.[3] Accordingly, Congress has considerable impact and influence on foreign policy through the military and economic assistance programs which it is called upon to review, authorize and fund each year.

The Imperial Presidency

In his book The Imperial Presidency, Arthur M. Schlesinger, Jr., argues that presidential power became so expanded and abused by 1970's that it threatened the American constitutional system.[4] According to Schlesinger, this imperial presidency was created by "wars abroad," by Vietnam in particular.[5] He explores three critical instruments that gave rise to the abuse of power by presidents: the war-making power, the treaty-making power and the secrecy of the oval office.

The war and treaty powers--especially the troubling constitutional ambiquity in the president's power as a Commander-in-

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[3]Crabb, p. 41.

[4]Arthur M. Schlesinger, Jr., The Imperial Presidency (Boston: Houghton Mifflin Company, 1973), p. 377.

[5]Schlesinger, p. 377.

Chief--have been unending sources of struggle between the executive and legislative branches. Until recently, most observers argued that Congress had surrendered to the President its power and responsibility to participate in the making of foreign policy. Throughout most of the postwar period, Congress has followed the President's lead in foreign policy and its role has been essentially supportive and secondary. The executive has initiated and devised foreign policies which Congress has rarely rejected. Moreover, most of the incidents of executive military actions, such as Korea and Vietnam, have been undeclared and waged on the basis of Presidential authority. Congress has usually ratified the actions after the Presidential initiatives. The power of Congress to declare war and to influence decisions before and after the outbreak of hostilities has been undermined until very recently. A large and substantial body of precedents has accumulated enhancing the President's authority to use force without Congressional approval. President Lincoln justified his mobilizing of troops without prior legislative authorization by relying on his authority as Commander-in-Chief, trusting that Congress would ratify his actions.[6] The Korean War was similarly justified by President Truman, and President Kennedy acted on his own authority in the Cuban Missile Crisis. When President Johnson led the United States into the Vietnam War and when President Nixon continued American involvement, they called upon established precedents

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[6]Allison, p. 93.

of Presidential initiative and Congressional acknowledgement to justify their actions.[7] President Johnson claimed that his actions were approved by the Tonkin Gulf Resolution in which Congress declared its support for "the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."[8] Furthermore, President Nixon justified the use of additional force in Vietnam on the assertion that his constitutional authority as Commander-in-Chief gave him unlimited freedom of action in deployment of United States troops.[9]

A foreign policy role that the Constitution specifies for the Senate is to give its advice and consent to treaties. From early history, however, the Presidents have regarded the negotiation of treaties as executive prerogative with Congress limited to approving or disapproving the final document.[10] Although the Constitution does not explicitly provide authority to make international agreements other than treaties, devices called "executive agreements" have been common since the days of George Washington.[11] Executive agreements are accords that the President concludes with other foreign powers

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[7] Allison, pp. 87-88.

[8] Allison, pp. 87-88.

[9] Allison, p. 89.

[10] Crabb, p. 11.

[11] The Constitution does provide for "Agreements or Compacts" between States and foreign powers, with the consent of Congress (Article I, Section 10).

based solely on his constitutional roles--such as Commander-in-Chief--without the consent or approval of Congress.[12] For the past several decades, the treaty ratification process has been largely supplanted by executive agreements, and their use has been upheld by the courts. Lately, however, critics have argued that the foreign policy powers of Congress have eroded drastically through unilateral action taken by the executive branch. The criticism contends, first, that the form of international commitments has changed in recent years. Increasingly the President has used executive agreements to circumvent the involvement of Congress, thereby committing the United States to serious courses of action.

A second and related criticism centers on the content of the various international agreements. Even when the Congress has been involved in the agreement-making process, the issues with which it has dealt have been substantially less important than those handled unilaterally by the Executive.[13] According to this view, for example, the making of mutual-aid and military base agreements has tended to take the form of executive agreements--thus excluding congressional participation.[14] It was argued that these practices were a violation of the Constitution's intent that Congress share in the making of foreign policy.

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[12]Henkin, p. 177.

[13]Schlesinger, pp. 313-314.

[14]Schlesinger, pp. 155.

The Constitution does not provide that the President has the right to decide what information Congress and the American people need to know. Several presidents have invoked "executive privilege"--a claim based on the constitutional separation of powers--implying that the executive branch may selectively release or withold information from Congress, which would otherwise be harmful to the public interest and to the national security. In 1949 Herman Wolkinson, a Department of Justice attorney, stated:

> Our Presidents have established, by precedent, that they and members of their Cabinet have an undoubted privilege and discretion to keep confidential, in the public interest, papers and information which require secrecy.[15]

He added that the judgement in this matter belonged "entirely" to the presidents and claimed that "courts have uniformly held that the Presidents and the heads of departments have an uncontrolled discretion to withhold the information and papers in the public interest."[16] Basing his actions on this claim, President Eisenhower asserted his "presidential right to withhold information from Congress"[17] and established a tradition by adopting the doctrine of "absolute executive privilege."[18] Before President Nixon, while claiming a general congressional right to executive information, Congress had conceded a right of presidential refusal in specific

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[15]Schlesinger, p. 155.

[16]Schlesinger, p. 155.

[17]Schlesinger, p. 156.

[18]Schlesinger, p. 159.

areas. On the other hand, when President Nixon insisted that anything could be absolute executive privilege and made unprecedented claims, the Congress was ultimately frustrated.[19] Thus, when the Senate investigating committee began to request documents, tapes and testimony related to Watergate disclosures, executive privilege became an eminent controversial issue between Capitol Hill and the White House. This time however, Congress, being tired of the "secrecy system" invoked by presidents, was determined to restore congressional control over executive information.

The extra-constitutional power of impoundment allows the executive to withold funds that have been appropriated by Congress. Before President Nixon, impoundments were rather infrequent, usually temporary, and generally involving small amounts of money.[20] President Nixon stretched the use of impoundments so far exceeding limits of previous practices. Congress became especially disturbed about the President's impoundments of funds earmarked for urban aid, water pollution control, housing and other social needs, since he used these impoundments to set policy and to reorder the nation's domestic policy priorities in violation of "congressional dictates."[21] Members of Congress were convinced that by witholding the appropriated funds for programs of which he disapproved, President Nixon was exercising an unconstitutional item veto.[22] In short, the growth of

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[19]Schlesinger, p. 394.

[20]Schlesinger, pp. 235-236.

[21]Schlesinger, p. 239

[22]Schlesinger, p. 239.

abuse of presidential powers in the areas of war and treaty making and excessive uses of executive agreements, executive privilege and impoundment by presidents created the so-called "imperial presidency" and gave rise to the emerging congressional dissatisfaction with presidential policies. As a result, since the late 1960s, Congress has exhibited a new dynamism and militancy in exerting its constitutional prerogatives.

Congress Reasserts Itself

Traditionally, the respective roles of Congress and the President in defining and implementing policy have been different for foreign and domestic matters. Congress has prescribed in detail the laws that govern domestic programs. The day-to-day conduct of foreign policy was generally left to the executive. The President enjoyed discretion largely because it was believed that conducting relations with other nations was an executive function. For the first twenty years after the Second World War, Congress seldom challenged the growth of presidential authority in foreign relations--thereby providing impetus for the emergence of the "imperial presidency." From time to time, Congress asserted itself and resisted presidential policies in external affairs. On the other hand, even when Congress played a significant role in foreign affairs, it normally supported those diplomatic policies and programs advocated by the executive and did not often attempt to legislate specific policies. The Vietnam War served to consolidate emerging congressional dissatisfaction with presidential policies, and the "imperial presidency" was held responsible

for the course of American diplomacy. As a result, in the decade of 1970's, Congress reasserted itself and became more active and less willing to accept presidential dominance in certain fields of foreign policy. The diplomatic experiences of the Nixon, Ford and Carter administrations provided considerable evidence that the once largely unrivaled position of the President in the field of foreign policy was undergoing serious challange. New restrictions have been placed on the President's use of armed forces abroad, his use of the CIA, his use of trade agreements and foreign economic and military assistance. New curbs have been placed on presidential use of executive agreements and executive privilege. Congress has increasingly tended to expand its role in foreign affairs through its "power of the purse," and the executive discretion in foreign affairs is narrowed by detailed legislation or through legislative vetoes, riders and investigations. Now, we will briefly present a few examples of congressional actions to play a larger and more active foreign policy role.

The Vietnam War intensified the controversy over the division of the war-making power between Congress and the President. Throughout 1966 and 1967 a growing number of congressmen became uncomfortable about American policy in Vietnam. A feeling grew that there was an unrestricted presidential power in foreign policy-making and that Congress had not been and was not being consulted by presidents on major commitments and strategies.[23] This prompted Congress

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[23]Frans R. Bax, "Legislative-Executive Relationship in foreign policy," Orbis, 20, (1977), p. 881.

to define and formalize limits on presidential authority to deploy United States armed forces abroad. Congressional efforts to restrict the President's power in this direction began with the Senate's passage of a National Commitments Resolution in 1969. It stated that a national commitment meant:

> the use of the armed forces on foreign territory, or a promise to assist a foreign country, government or people by the use of armed forces or financial resources of the United States . . . and . . . a national commitment . . . results only from affirmative action taken by the Legislative and Executive Branches . . . by means of treaty, statute, or concurrent resolution of both Houses of Congress . . . .[24]

Although there were several other congressional moves, in the early seventies to constrain presidential power to deploy American troops abroad, the War Powers Act of 1973 was the most significant development in limiting the president's authority to engage in hostilities anywhere without congressional authorization. The War Power Resolution was passed over the veto of President Nixon, who called it an unconstitutional intrusion into the president's constitutional authority and an action that seriously undermined "the nation's ability to act decisively and convincingly in times of international crisis."[25] It is as Commander-in-Chief that Presidents expanded the powers of their office, and it was the Vietnam War which led to the legislative decision to reassert Congressional responsibility in

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[24]Bax, p. 889.

[25]Allison, p. 97.

the use of military force. Therefore, Congress overrode the veto and by law declared that the President could commit troops only under defined circumstances: pursuant to a congressional declaration of war, by specific legislative authorization, or in a national emergency created by a direct attack on United States armed forces. The President is permitted to commit troops for sixty days with a possible extension of thirty days. Beyond this period, unless Congress has declared war or authorized the commitment of forces, the troop commitment is to be terminated. A concurrent resolution could be passed at any time to disengage American troops from hostilities, and this action is not subject to presidential veto.[26] The President is also obliged by this resolution to consult Congress "in every possible instance" before committing United States armed forces to battle.[27] The War Powers Resolution, in short, grants Congress the potential to play a greater role in decisions involving the use of force.

The Symington hearings served as the background for other congressional attempts to wider public and legislative knowledge of executive activities in foreign affairs. Senator Stuart Symington's Foreign Relations Subcommitte on United States Security Agreements and Commitments Abroad conducted extensive hearings over two years

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[26]H. G. Zeidenstein, "The Reassertion of Congressional Power: New Curbs on the President," Political Science Quarterly, 92, (1978), pp. 397-406.

[27]Zeidenstein, p. 397.

to learn how the United States acquired its commitments abroad.[28] In 1970, the Subcommitte reported that some important commitments with foreign nations had been reached without the knowledge or participation of Congress. The increase in the use of executive agreements rather than treaties had become a matter of Congressional concern, since these agreements served to define and implement the United States's foreign policy.[29] After Congress was informed that the Johnson and Nixon administrations had made secret executive agreements with foreign governments, in 1972 a law was passed requiring the Secretary of State to transmit to Congress within sixty days the text of any international agreement. The Case Act included the provision that in cases involving national security, the text would be submitted only to the Senate Foreign Relations Committee and the House International Relations Committee "under an appropriate injunction of secrecy to be removed only upon due notice from the President."[30] In the mid-1970s, some other efforts were made to enact a stronger law that would permit Congress an opportunity to review and disapprove executive agreements, but these attempts failed.

Abuse of intelligence agencies was also a central point of contention of the imperial presidency argument. The Central Intelligence Agency (CIA) was established in 1947 and engaged in covert

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[28]Bax, p. 890.

[29]Charles J. Stevens, "The use and control of executive agreements: recent congressional initiatives," Orbis, 20, (1977), pp. 905-906.

[30]Stevens, p. 918.

political and military operations.[31] From 1947 to the mid 1970's the CIA became a means by which the executive excluded Congress from the field of foreign affairs, and Congress declined to use its resources to participate in intelligence policy-making. In many instances Congress acted as if it preferred not to know about what the Agency was involved in. In recent years, Congress has tried to change this and in 1974 enacted the Hughes-Ryan Amendment, which restrained the President's use of the CIA. The bill forbade any CIA activities abroad that are not directly related to gathering of intelligence, unless the President decides that the activity is important to the national security of the United States. Even in that event, the chief executive is required to report such actions to the appropriate committees in the House and the Senate.[32] In early 1975, the Senate established a committee of inquiry regarding intelligence activities, chaired by Senator Frank Church.[33] This committee found widespread abuses of power in the conduct of intelligence operations. The Church committee recommended that Congress bring all the intelligence operations within the framework of congressional oversight. Subsequently, the Senate (in 1976) and the House (in 1977) voted to create a permanent Select Committee on Intelligence, with legislative and budgetary authority over the CIA.[34]

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[31] Schlesinger, p. 167.

[32] Schlesinger, p. 317.

[33] Zeidenstein, pp. 398-399.

[34] Crabb, p. 149.

Another area in which Congress attempted to reassert its authority was the budget. Congress had become too dependent on the president's budget proposals and had no budget system of its own. In response to losing its control over the federal purse strings and to presidential impoundment of appropriated funds, Congress enacted the 1974 Budget and Impoundment Control Act. The Act created Budget Committees in the House and the Senate and also a Congressional Budget Office to formulate an alternative budget to that of the President and to coordinate spending and revenue raising in the Congress.[35] According to the impoundment control provisions of this new law presidents are required to report delays in spending to Congress; either house may veto presidential decisions to defer spending; and both houses of Congress must support any presidential request to cancel a project that has already been funded.[36] If the administration attempts to impound without reporting to Congress, the Comptroller General may report these actions himself, and Congress may act to release the funds.[37]

Within recent years, the legislative veto--congressional review of executive action by resolution--has been increasingly used by Congress as an instrument of policy-making. Of particular significance is the growing use of the legislative veto by recent Congresses

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[35]Crabb, pp. 149, 152-157.

[36]Zeidenstein, pp. 402-404.

[37]Louis Fisher, Presidential Spending Power (New Jersey: Princeton University Press, 1975), p. 199.

to overrule presidential decisions on foreign policy--especially in the areas of foreign assistance and trade.[38] Congress has also become more involved in foreign policy-making by enacting widespread, inflexible, and detailed legislation to resolve disagreements with the executive branch and to prescribe specific solutions to specific foreign policy problems. Many statutes require that foreign economic and military aid be terminated if a recipient country engages in conduct that Congress disapproves of--such as the Congressional distate for Turkish determination in refusing to compromise on their military solution to the Cyprus problem.

In the period since World War II, foreign economic and military aid has been an especially important part of the United States's relationships with the developing countries. In dealing with these countries, Congress has frequently used the foreign aid program as leverage to achieve other foreign policy objectives or to induce particular behavior by recipient countries. The power of the purse provided Congress with a means of influencing the executive branch in foreign affairs because foreign aid involves Congress's power to appropriate money and to approve the expenditure of taxpayer money. Therefore, congressional interference with or limitations on executive policy concerning foreign aid is not new. What is new is the disturbing scale of the domestic struggle between Congress and the administration, the increasingly regular reliance of

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[38]Fisher, p. 200.

Congress upon its control over purse strings to determine the course of American diplomacy, and the growing congressional involvement in the day-to-day conduct of foreign affairs through amendments to the authorizing or appropriating bills--especially concerning foreign aid.

The legislative branch attempted to restore its disused legal powers to participate in policy-making particularly in the areas of war-making, foreign affairs, treaty-making, intelligence operations and budget policy. In foreign affairs Congress asserted itself most successfully, however, in the area of foreign aid, where executive policy was entirely dependent on legislative appropriations. Here Congress has not hesitated to tie up executive programs through legislative fiat, statutory prescriptions, rigid solutions and detailed specifications, often over presidential opposition. The Congressional hold over appropriations for foreign assistance increasingly drew into the policy process the pull and haul of the many interest groups and lobbyists who found opportunities to obtain certain conditions on legislation according to their need. Moreover, recently, the number of Congressmen interested in foreign affairs has expanded significantly beyond the traditional committees, and members of Congress have taken the lead in the "diplomacy" by statute" by attaching their names to many foreign policy amendments on the floor.[40]

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[40]Lee H. Hamilton and Michael H. Van Dusen, "Making the Separation of Powers Work," Foreign Affairs, 57, (1978), p. 23.

As will be examined in detail in Chapter III, the Turkish arms embargo issue was a case in which Congress tied the President's hands through several such amendments pressed for by Greek-American Congressmen, in order to achieve its own policy objective. To conclude, as a result of these above-mentioned reforms, tools and restrictions placed on the President, Congress is likely to remain a more important force in the field of foreign policy-making than in the pre-Vietnam era.

Now, we will examine the historical events that led to the Cyprus crisis, which eventually brought about the intensive interaction between the Congress and the Administration concerning a ban on military aid to Turkey.

CHAPTER II

CYPRUS: A HISTORICAL OVERVIEW

Historical Background and the 1960 Constitution

The island of Cyprus occupies a strategic location in the Eastern Mediterranean, six hundred and fifty miles from south-eastern Greece but only forty miles south of Turkey. Cyprus was part of the Ottoman Empire from 1571 until 1878. Throughout its history, the Island has belonged to the Assyrians, Egyptians, Persians, Ptolemies, Romans and Venetians.[1] Ottoman rule ended on June 4, 1878 when the Ottoman Turks, under the terms of a Convention, agreed that Cyprus should be temporarily occupied and administered by Great Britain, in return for a British premise to protect the Empire from Russian aggression. Legal sovereignity over the island continued, however, to remain in Ottoman hands. The two governments, by an Annex to this Convention, also agreed that if Russia restored to the Ottoman Empire Kars and other conquests made by the Armenians during the Russo-Turkish War of 1877, then Cyprus would be evacuated by Britain and the Cyprus Convention would come to an end.[2] In 1914, upon Turkey's entry into World War I on the side of the Central Powers, the Island of Cyprus was annexed by Britain.

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[1]Frederica M. Bunge, ed., Cyprus: A Country Study, Foreign Area Studies, No. 550-22 (Washington, D.C.: GPO, 1980), pp. 4-16.

[2]Halil Ibrahim Salih, Cyprus: The Impact of Diverse Nationalism on a State (Alabama: University of Alabama Press, 1978) p. 5.

On the other hand, Turkey did not recognize this unilateral action until the Treaty of Lausanne of 1923 when Turkey and Greece agreed that Cyprus should be under British sovereignity. By 1925 Cyprus had become a British crown colony.

There is not, and there has never been a Cypriot nation as such. Since 1571 the population has always been composed primarily of two distinct communities--Moslem Turks and Orthodox Greeks. The total population of the island at the end of 1971 was estimated to be seventy-eight percent Greek and eighteen percent Turkish Cypriots and the remaining four percent was made up of various minority groups such as Armenians, Maronites and British.[3] The Turkish and Greek Cypriots have completely separate ethnic, religious, linguistic, cultural and national backgrounds, traditions and aspirations. The division of the two communities into two separate entities not only prevented the formation of nationhood or Cypriot national awareness, but also made any future cooperation in self-government extremely difficult.

On July 22, 1878, the day the first British governor landed in Cyprus, the then Bishop of Kitium, Kyprianos welcomed the British rule in the name of the Greek Cypriots and delivered the Greek Cypriot request for enosis--union of Cyprus with "Mother Greece."[4] The Greek Cypriot aspiration for enosis derived its basic impetus from the Greek War of Independence in the 1820s, and the Greek Orthodox Church in

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[3]Salih, p. 3.

[4]Rauf R. Denktash, The Cyprus Triangle (London: George Allen and Unwin Ltd., 1982), pp. 18-19.

Cyprus acted as the "spokesman" and agitator for enosis, Pan-hellenism or the Megali Idea--the Greek "dream" of recreation of the Byzantine Empire under the rule of Greece.[5] On the other hand, the Turkish Cypriots and their leaders opposed the enosists's goal of Hellenizing the island and informed the British administrators that "Cyprus was not Greek, had never been part of Greece and therefore could not be given to Greece."[6]

Although the period immediately following the First World War represented the "high-water mark of the Megali Idea as a national ideal," following World War II the British rulers were faced with more and more cries and pressures for enosis.[7] In 1931 the Greek Cypriots, agitated by the Greek Orthodox Church resorted to violence and revolted against the British Government in the cause of enosis. Britain reacted by imposing harsh restrictions on both the rebellious Greek and the passive Turkish Cypriot communities.[8] Due to the strict prohibition of enosis activities by the Colonial Administration during the years 1931-1945, friction between the two communities was its lowest during this period.

With the end of World War II in 1945, the campaign for enosis was intensified once again under the guise of the principle of self-determination for the Greek Cypriots, ignoring the existence

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[5]Salih, p. 5.

[6]Denktash, p. 19.

[7]Pierre Oberling, The Road to Bellapais: The Turkish Cypriot Exodus to Northern Cyprus (New York: Columbia University Press, 1982), pp. 23-30.

[8]Cyprus: A Country Study, p. 25.

on Cyprus of the Turkish Cypriot community and denying their legitimate right of self-determination. The Greek Cypriots and the Greek Orthodox Church regarded Turkish Cypriots as an obstacle on the way to enosis and thus as natural enemies to their cause.

In 1950 the Greek Orthodox Church organized a plebiscite in order to ascertain the wishes of the "people of Cyprus" regarding their future. All the Greek Cypriots over the age of eighteen participated and 95.7 percent of the Greek inhabitants voted for the enosis cause supported by the church.[9] The Turkish Cypriot community refused to recognize this plebiscite and did not participate in the vote. The same year Makarios III became the Archbishop of Cyprus, whereupon he took the following oath:

> I take the Holy oath that I shall work for our national aspirations and shall never waiver from our policy of annexing Cyprus to mother Greece.[10]

The British refusal to discuss the issue of enosis forced Greece to submit the Cyprus question, in the form of a resolution asking for Cypriot self-determination, to the United Nations General Assembly in 1954. However, the United Nations shelved the issue on the basis of the British argument that it was an internal affair and not subject to United Nations consideration.[11] The same year, the Greek Cypriot leadership, which refused several British proposals for self-rule,

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[9] Oberling, p. 39.

[10] Zaim M. Nedjatigil, The Cyprus Conflict: A Lawyer's View (Nicosia: Kema Ltd., 1981), p. 2.

[11] Cyprus: A Country Study, p. 33.

had become convinced that terrorism would have to be resorted to in order to dislodge the British and to achieve enosis. So, under the leadership of Archbishop Makarios, the Greek Cypriots formed the National Organization of Cypriot Fighters (EOKA). Archbishop Makarios joined forces with George Grivas, a retired Greek military officer of Cypriot origin, who landed in Cyprus with Greek arms and personnel in order to organize an underground movement for union with Greece. Hence, while Colonel Grivas became responsible for the "military operation" of EOKA, Archbishop Makarios was the "supreme leader of the whole operation."[12] The underground struggle of EOKA, which started on April 1, 1955 continued until 1959. The Turkish Cypriots, who were opposed to the EOKA operations, sided with the British law-enforcement forces and thus became targets for EOKA terrorists. In reaction, the Turkish Cypriots organized their own underground organization--which never did become as organized or as disciplined as EOKA--called VOLKAN (Volcano), which later changed its name to Turk Mudafaa Teskilati (Turkish Resistance Organization) or TMT.

During this period of the EOKA terror campaign and revolutionary activity, the civil war in Cyprus became an inter-communal war, as well as a war of liberation. Greece as the protector of EOKA and Turkey as the supporter of Turkish Cypriots came to the brink of war several times, while each year Greece requested that the United Nations General Assembly take action concerning the Cyprus problem.

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[12]Salih, p. 9.

The General Assembly, however, refused the Greek demands for self-determination for Cyprus on the grounds that the Turkish Cypriot rights could not be ignored and that the problem should be resolved through peaceful negotiations between the interested parties.[13]

Archbishop Makarios and the Greek Cypriots failed to realize that the rights of Turkish Cypriots and Turkey's national interest had to be taken into consideration before any political settlement could be made in regard to Cyprus. The Turkish Cypriots on the Island and the Turkish government had reasons to oppose the annexation of Cyprus by Greece. First, due to the hostility between the two communities, cooperation and coexistence had become totally impossible, and thus the Turkish Cypriots did not want to live under the "enslavement" of Greek Cypriots, which would eventually cause their exodus from the island. Second, Cyprus is only forty miles from Turkey's southern shores and occupies an important location in the Mediterranean. Thus, Turkish defense and security interests are closely linked with the status of the island. The annexation of Cyprus would allow Greece to control the southern coast of Turkey. Also, the encirclement of Turkey by Greece would open the way to new Greek territorial claims, as has been the case in the Aegean Sea.

By 1958 several British proposals to solve the problem had been rejected either due to Greek and Greek Cypriot demands for enosis

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[13]Salih, pp. 10-11.

or due to Turkish and Turkish Cypriot counterdemands for Taksim (partition). Furthermore, intercommunal fighting reached its peak, and diplomatic relations between the two NATO allies--Turkey and Greece--sharply deteriorated. EOKA forces not only killed the British and Turkish Cypriots but also Greek Cypriots who were anti-enosis. During this period of turbulence, Turkish Cypriots were driven away from several mixed villages, becoming refugees in safer Turkish Cypriot enclaves.[14]

In early 1959 Premier Constantine Karamanlis of Greece and Archbishop Makarios eventually came to realize that there was no hope for obtaining a pro-enosis resolution, under the guise of self-determination, from the United Nations. They also realized the extent of Turkish Cypriot resistance to enosis and of Turkey's determination to support and help the Turkish Cypriots. Therefore, when Britain agreed to yield sovereignity over the island, Greece and Greek Cypriots decided to solve the problem through negotiations with Turkey and Turkish Cypriots, which they had refused to do until then. Consequently, negotiations were held in Zurich between the parties concerned, and a compromise solution, which ruled out enosis or taksim (partition), was concluded on February 11, 1959. The Zurich and London Agreements provided the framework to establish the main principles of the future status of Cyprus. According to the Constitution of 1960, Cyprus was to be a bilingual, bi-national republic.

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[14]Oberling, p. 61.

The Constitution provided for a Greek Cypriot president elected by the Greek Cypriot majority and a Turkish Cypriot vice-president elected by the Turkish Cypriot community. Each had a right of veto over foreign affairs, defense and internal security. A Council of Ministers composed of members from both communities in a thirty to seventy percent ratio was to be established by the respective communities, but with the stipulation that a Turkish Cypriot official should hold one of the three important ministries: foreign affairs, defense or finance. In addition, the Constitution guaranteed a number of posts for the Turkish Cypriots in the army (forty percent), the police force (thirty percent) and the civil service (thirty percent). It called for a unicameral legislative body with a seventy to thirty percent ratio of Greek Cypriot to Turkish Cypriot representatives. Also, two separate and autonomous Communal Chambers were to be established with regard to religious and cultural affairs, educational policy, questions of personal status, and collection of local taxes.[15]

Two treaties were incorporated into the Cypriot Constitution--the Treaty of Guarantee and the Treaty of Alliance. Under the Treaty of Guarantee the Republic of Cyprus undertook to ensure its independence and to refrain from participation "in whole or in part, in any political or economic union with any state whatsoever."[16] The other parties agreed to recognize and guarantee the independence,

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[15]Salih, pp. 13-14.

[16]Salih, p. 129.

territorial integrity and security of the Republic of Cyprus and undertook to prohibit any activity aimed at promoting directly or indirectly, either the union of Cyprus with any other state or the partition of the island. In case of a breach of this Treaty, the United Kingdom, Greece, and Turkey agreed to consult with respect to measures necessary to ensure its observance. The three guaranteeing powers reserved the right, if concerted action was not possible, to take action with the "sole aim of reestablishing the state of affairs" established by the Treaty.[17] The Treaty of Alliance called for Cypriot, Greek and Turkish cooperation to defend the island against aggression. Greece and Turkey were also to maintain small military contingents on the island, 950 Greek and 650 Turkish officers and men respectively.[18] Finally, the Treaty of Establishment provided for British control and sovereignity over two military bases.[19]

Colonel Grivas, who directed the Greek Cypriot struggle against the British colonial administration and the Turkish Cypriots and who strongly opposed Cypriot independence, was required to leave the island in March 1959. He was, however, welcomed in Greece as a national hero.[20] Finally, on August 16, 1960, the Republic of Cyprus came into existence.

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[17] Salih, p. 129.

[18] Salih, p. 130.

[19] Salih, p. 13.

[20] Salih, p. 15.

The Uneasy Years

After independence, the divergent interests of the two communities and the distrust between them complicated the functioning of a constitutional government. In addition, from the beginning, the Greek Cypriots were not satisfied with the Zurich-London Agreements, but they decided to accept the solution anyway, as a means to achieve their ultimate goal of enosis. This was made clear by Archbishop Makarios, who was the first President of Cyprus, in a public declaration on January 5, 1962:

> The noble struggles of the people never come to an end. These struggles, although they undergo transformation, are never terminated. The struggle of the people of Cyprus, too, will go on.
>
> The Zurich and London Agreements form a landmark in the course of this struggle, but, at the same time, are a starting-point and bastion for further struggles, with the object of capitalising on what has been achieved for further conquests.[21]

Accordingly, during the course of a sermon at Kykko Monastery on August 15, 1962, Makarios repeated that his goal was to achieve enosis:

> Greek Cypriots must continue to march forward to complete the work began by the EOKA heroes. The struggle is continuing in a new form, and will go on until we achieve our goal.[22]

Unfortunately, it became apparent very soon after the independence that President Makarios "had never intended to promote and support

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[21] Denktash, p. 14.

[22] Denktash, p. 14.

the bi-national state."[23] In a speech in his native village of Panayia, in September 1962, Archbishop Makarios made an even more "inflammatory" statement:

> Unless this small Turkish community forming a part of the Turkish race which has been the terrible enemy of Hellenism is expelled, the duty of the hereos of EOKA can never be considered as terminated.[24]

In November 1963, President Makarios aggravated the already tense situation by proposing to change the Constitution by eliminating the privileges of autonomy of the Turkish community and by abrogating the Treaties of Alliance and Guarantee contrary to the agreements reached at Zurich and London. Since these articles of the Constitution were designed to protect the Turkish Cypriots from "official persecution," the Turkish Cypriot leaders refused to agree to the proposed amendments.[25] This led to a series of controversies[26] and consequently Greek Cypriots launched an armed attack against the Turkish Cypriot community, in order to implement a well prepared scheme, which came to be known as "The Akritas Plan." The Plan was prepared by Polykarpos Yorgadjis, the Minister of Interior, Tassos Papadopoulos, the Minister of Labor, and Glafkos Clerides, the

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[23] Denktash, p. 26.

[24] Oberling, p. 68.

[25] Oberling, p. 71.

[26] For a detailed discussion of some of the major controversies between the two communities over the constitutional provisions, see Oberling, pp. 71-80.

President of the House of Representatives.[27] The "Akritas Plan" aimed to dissolve the Republic of Cyprus, through a series of predetermined stages and methods, and to bring about the Union of Cyprus with Greece--enosis. The Plan provided, among other things, for the creation of an underground army which, as explained in the Plan, would suppress any resistance by the Turks most forcefully and in the shortest possible time and make the Greek Cypriots masters of the situation "within a day or two, before outside intervention would be possible, probable, or justifiable."[28] The Plan, which was signed by "the Chief, Akritas," also explains the object of the thirteen point proposal put forward by Archbishop Makarios for the revision of the Constitution.

Within three weeks of President Makarios's announcement of the proposals for the amendment of the Constitution, on December 21, 1963, the Greek armed onslaught against the Turkish community was launched. Within a few days, a wave of violence spread throughout the island, and intercommunal fighting rapidly increased with Turkish Cypriot resistance. During the initial four days of the armed attack, Turkish Cypriots suffered heavy loss of life and property.[29]

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[27]Oberling, p. 81. Akritas Plan was first published by the Greek newpaper Patris, on April 21, 1966. The Plan has also been circulated to members of the United Nations General Assembly and United Nations Security Council with Official United Nations Document No. A/33/115;S/12722 of 30 May 1978.

[28]Oberling, p. 81.

[29]For detailed description of damage caused by the Greek

The Turkish Government, as a guarantor power, communicated with both London and Athens in search of a resolution to end the bloodshed in Cyprus. These two quarantor powers, for reasons of their own, failed to take action. Greece, for her part, was actively engaged in helping the Greek Cypriots in their attack on the Turkish Cypriots.[30] Only after the two quarantor powers had shown no sign of being willing to intervene and after the Greek Cypriot leadership had refused to cooperate, did the Turkish Government decide to send two jet planes in a warning flight over Nicosia to demonstrate Turkey's determination to back up the Turkish Cypriots. At the same time, the Turkish Government sent a message to President Johnson and to other Western leaders requesting assistance in stopping the surge of violence on the island. The United States was reluctant to endorse any strong action to solve the disputes for fear of alienating either Greece or Turkey.

The dilemma continued into 1964. Although the United Nations Peace-keeping Force in Cyprus (UNFICYP) became operational on March 27, 1964, the Greek-Cypriot attacks and military build-up continued making the role of UNFICYP exceedingly difficult.[31] The Greek Cypriot government formed the National Guard in June 1964, and Archbishop Makarios

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Cypriot armed attacks, see United Nations Secretary-General's Report to the Security Council No. S/5950 of 10 September 1964, paragraph 180, as quoted in Denktash, p. 38.

[30] Denktash, p. 28.

[31] Salih, p. 44.

asked General Grivas to return from Athens to command this new military force in Cyprus.[32] Although assurances were given that the new Greek Cypriot army would not be used against the Turkish Cypriots, the National Guard "rapidly came to the forefront in the intercommunal conflict."[33] Moreover, by 1967, the National Guard was estimated to consist of over 10,000 illegal Greek Army personnel in addition to its 25,000 Greek Cypriots.[34]

In the Spring of 1964, there was a threat that the Turkish Government was preparing to intervene unilaterally to protect the Turkish Cypriots under provisions in the Treaty of Guarantee. On June 5, President Johnson, in a blunt and sharp letter to Premier Ismet Inonu of Turkey, wrote that NATO agreements did not allow members to wage war on each other and cautioned him about the possible consequences of potential direct Soviet involvement in the conflict between Turkey and Greece. One section of the letter reflected an interesting American interpretation of NATO obligations:

> . . . I hope you will understand that your NATO allies have not had a chance to consider whether they have an obligation to protect Turkey against the Soviet Union if Turkey takes a step which results in Soviet intervention without the full consent and understanding of its NATO Allies.

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[32] Cyprus: A Country Study, p. 214.

[33] Cyprus: A Country Study, p. 214.

[34] Cyprus: A Country Study, p. 214.

. . . . . .

> I wish also, Mr. Prime Minister, to call your attention to the bilateral agreement between the United States and Turkey in the field of military assistance. Under Article IV of the Agreement with Turkey of 1947, your government is required to obtain United States consent for the use of military assistance for purposes other than those for which such assistance was furnished. Your Government has on several occasions acknowledged to the United States that you fully understand this condition. I must tell you in all candor that the United States can not agree to the use of any United States supplied military equipment for a Turkish intervention in Cyprus under present circumstances.[35]

This section of Johnson's letter to Inonu is important for several reasons. Its greatest significance lies in Johnson's direct warning to the Turkish government not to use United States supplied military equipment in an intervention in Cyprus under the then existing circumstances. This warning was later cited several times in Congress by arms embargo proponents, following the 1974 Turkish Peace Operations in Cyprus. The Johnson letter was, in fact, the first indication of the kind of action that Congress eventually took. Moreover President Ford was criticized for not acting as firmly as President Johnson had and for not declaring Turkey immediately ineligible for further military assistance, as President Johnson had implied that he would have done.

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[35]"President Johnson and Prime Minister Inonu": Correspondence between President Johnson and Prime Minister Inonu, June 1964, as released by the White House, January 15, 1966," Middle East Journal, 20, No. 3 (1966), pp. 386-387.

Prime Minister Ismet Inonu's answer to the President Johson was as follows:

> The part of your message expressing doubts as to the obligation of the NATO allies to protect Turkey in case she becomes directly involved with the USSR as a result of an action initiated in Cyprus, gives me the impression that there are as between us wide divergence of views as to the nature and basic principles of the North Atlantic Alliance.
>
> . . . If NATO's structure is so weak as to give credit to the aggressor's allegations, then it means that this defect of NATO needs really to be remedied. Our understanding is that the North Atlantic Treaty imposes upon all member states the obligation to come forthwith to the assistance of any member victim of an aggression. The only point left to the discretion of the member states is the nature and scale of this assistance.
>
> . . . . . .
>
> As a member of the Alliance our nation is fully conscious of her duties and rights. We do not pursue any aim other than the settlement of the Cyprus problem in compliance with the provisions of the existing treaties. Such a settlement is likely to be reached if you lend your support and give effect with your supreme authority to the sense of justice inherent in the character of the American nation.[36]

The Johnson letter, although it prevented a possible Turkish intervention, created a sharp division in Turkish-American relations and caused Turkey's reevaluation of its foreign policy. The letter not only intimidated the Turks, but it was also interpreted as the American abondonment of Turkey in favor of Greece.

The incidents, in Cyprus, which started in December 1963 went on until the end of 1967 in the form of armed conflicts. During

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[36] Middle East Journal, 20, No. 3 (1966), pp. 391, 393.

this period, the Turkish Cypriots, in isolated or mixed villages, had to evacuate their homes in order to escape Greek Cypriot attacks and to find security in the larger Turkish enclaves.[37] The areas inhibited by Turkish Cypriots were placed under economic blockade, and the importation into Turkish-Cypriot areas of so-called "strategic materials," ranging from certain articles of clothing, building materials, and cement to petroleum, electrical equipment, etc., was prohibited by the Greek Cypriot administration.[38] Turkish Cypriots were ejected from all governmental functions and were also deprived of all essential public services and legal benefits from state sources, such as payment of salaries or social insurance benefits.[39] The Turkish Cypriot representatives, who were freely elected, were ousted from office, and the Greek Cypriot leaders acted and were treated as the "government of Cyprus." The Turkish Cypriots could not get passports and their children could not be recorded in the State Register of Persons.[40] Moreover, freedom of movement was denied to the Turkish Cypriots, and they were subjected to degrading searches and long delays at roadblocks.[41]

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[37] Oberling, p. 120.

[38] For detailed description of the conditions under which the Turkish Cypriots lived, see U.N. Document S/5950 of 10 September 1964; U.N. Document S/8286 of 8 December 1967.

[39] Oberling, p. 126.

[40] Oberling, p. 126.

[41] U.N. Document S/7191 as cited in Oberling, p. 129.

During the period between 1964 and 1967, the United States, in order to assist in finding a solution to the Cyprus problem, tried to establish contact between its two NATO allies and initiated several bilateral talks. The proposed plans were found to be either fully or partially unacceptable to Turkey or to Greece. Meanwhile, Archbishop Makarios continued to aggravate the situation. The United Nations mediation efforts had been unsuccessful, but they nonetheless helped to create an atmosphere for developing a dialogue between the representatives of the two communities.

Oppression of the Turkish community continued, and Turkish enclaves were vigorously isolated. Athens found it easy to strengthen the Greek Cypriots by providing weapons and by infiltrating battalions from Greece onto the island.[42] After the military coup in Greece in April, 1967, a new era of tension emerged, and a serious incident took place between Greek and Turkish Cypriots. The Greek Cypriot House of Representatives passed a resolution, on June 26, 1967, declaring that "the struggle for enosis would continue until the union of Cyprus with the motherland, Greece, was achieved."[43] Three months after this declaration, in September 1967, in a meeting held in Thrace, the Turco-Greek dialogue on Cyprus which had been continuing intermittently between the two governments at diplomatic level,

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[42] Cyprus: A Country Study, p. 43.

[43] Denktash, p. 50.

did not yield any result due to Greece's efforts to achieve enosis and Turkish insistence on geographical federation. Soon after the breakdown of the summit talks in Thrace, in order to demonstrate the determination of their struggle to achieve enosis, armed forces under the command of General Grivas launched a massive attack on the Turkish villages of Kophinou (Gecitkale) and Ayios Theodoros (Bogazici). The Turkish reaction to these new attacks was swift. The Turkish government warned that it would intervene militarily if the shooting continued, and the Turkish Parliament authorized the government "to go to war with Greece itself if necessary should the Cyprus situation deteriorate further."[44] Turkey blamed Greece and insisted on the withdrawal of all Greek armed forces, including General Grivas, from Cyprus. This incident, which again brought Turkey and Greece to the brink of war, was averted by special presidential envoy Cyrus R. Vance's shuttle diplomacy between Athens, Ankara and Nicosia. An agreement between Greece and Turkey was concluded, but the Cyprus problem remained unsolved. Greece recalled General Grivas to Athens and withdrew from Cyprus over 10,000 troops it had clandestinely brought to the island.[45] Archbishop Makarios, however, opposed and countermined three of the provisions of the agreement by refusing to disband the National Guard to expand the size and role of the UNFICYP or to compensate the victims of the incident.[46]

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[44]Salih, p. 58.

[45]Cyprus: A Country Study, p. 216.

[46]Oberling, p. 144.

Moreover, the Archbishop managed to leave behind several thousand Greek officers and troops under the pretext that they were on contract to his administration for the training of the Greek Cypriot National Guard.[47]

Since the Turkish Cypriots had not had any representation in the Cyprus Parliament since December, 1963, they decided to organize a Turkish Cypriot Provisional Administration. On December 29, 1967, after the massive attack against Turkish Cypriots by the joint Greek-Greek Cypriot force, the Turkish Cypriot leadership declared that the Turkish Cypriot provisional administration was set up "in order to direct Turkish Cypriot affairs until all the provisions of the 1960 Constitution had been restored once more."[48] Thus, the separation of Cyprus into two ethnically-homogenous, self-governing states started as a result of President Makarios's and General Grivas's actions in the 1960's and was not achieved by the Turkish armed intervention of 1974, as is commonly believed.

A positive outcome of the 1967 crisis was the introduction of intercommunal talks to find a just and peaceful settlement to the Cyprus problem. Until then, the Greek Cypriot side had refused to negotiate with the Turkish Cypriot leaders, whom they called "rebels," unless they agreed to discuss minority rights without a major role in government. After considerable prodding by the United Nations, intercommunal talks, which aimed at restructuring the Constitution of

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[47]Denktash, p. 52.

[48]Salih, p. 60.

Cyprus, started in 1968 between the representatives of the Greek and the Turkish communities. These talks were later expanded by the participation of constitutional experts from Greece and Turkey. The talks continued off and on until June 1974, without achieving anything, due to the Greek side's refusal to agree to a settlement that would close the door to enosis.

The Turkish Intervention and the United States Arms Embargo

> . . . I shall never violate my oath, and I shall never deviate from my goal. I have desired ENOSIS, and I have never struggled for anything else other than its achievement.
>
> (Archbishop Makarios, in an interview with Eleftheros Kosmo and Ta Simerina, Athens, 19 August 1970).

> Cyprus is Greek. Cyprus was Greek since the dawn of its history, and will remain Greek. Greek and undivided we have taken it over. Greek and undivided we shall preserve it. Greek and undivided we shall deliver it to Greece.
>
> (Archbishop Makarios, in a speech at Yialousa, 14 March 1971).

Although, as is seen from his declarations and his conduct during the previous decades, Archbishop Makarios had frequently declared that his ultimate object was some form of union with Greece, his tactics were to ensure that enosis should be carefully timed and brought about so as to avoid Turkey's intervention. Other enosists and Makarios's rivals in Cyprus and Greece, including members of the Orthodox clergy in both countries, General Grivas and the Junta

in Greece, however, thought that by his change of political tactics--maintaining the political automony or independence in policy matters while estabishing a symbolic link with Greece--and his long term methods, Archbishop Makarios was betraying the enosis cause.[49] By 1969, the "Greek camp" was divided into "hostile factions" and several underground, terrorist groups had emerged that claimed leadership to carry on the enosis struggle.[50] These various organizations renewed the terrorist activities, and there were several attempts on Makarios's life, which were suspected to be instigated from Athens.[51] Terrorism and anarchy in the Greek sector intensified after the secret return to Cyprus in September 1971 of the ex-EOKA leader, General Grivas, who had left in 1967. Immediately after his return, Grivas went into hiding and formed a new underground organization, EOKA-B, with the help of Greek army officers who were attached to the National Guard, in order to energize a new struggle for enosis.

Although Makarios and Grivas agreed on their common goal, enosis, in a secret meeting in Nicosia, they disagreed on how it should be achieved.[52] It was this dispute between Makarios and Grivas

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[49]Denktash, p. 59.

[50]Denktash, p. 59.

[51]Denktash, p. 60.

[52]Denktash, p. 61.

and the military leadership in Athens--who wanted an immediate military campaign--over the method of achieving enosis and the form it should take that resulted in the coup of July 15, 1974.

In January 1974, Grivas suddenly died of a heart attack in Limasol where he was hiding, and EOKA-B and its terrorist activities came "under the direct control of the Junta in Athens" through the Greek army officers in Cyprus.[53] After the death of Grivas, President Makarios, claiming that he had documentary evidence about Athens's involvement in a plot to assasinate him and to terminate Cyprus independence with the help of EOKA-B, outlawed the organization and sent a harsh, provocative public message to the President of Greece, General Phaidon Gizikis, asking him to withdraw his officers from Cyprus.

The reply to the Makarios's letter came on July 15 in the form of a coup d'etat planned and supported by the Greek military junta and led by the Greek officers in the National Guard. The President Makarios was overthrown, and Nikos Sampson, a leading figure in EOKA-B, who has also been held responsible by Turks for the killing of many Turkish Cypriots in 1963, was named the new President of Cyprus. Following the coup, Archbishop Makarios managed to escape and fled to London.

During the days following the coup, fighting broke out between the Greek Cypriots, who were divided over support for the

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[53]Denktash, p. 64.

"notorious killer," Nikos Sampson. Losses and suffering were heavy among the Greek Cypriots who resisted the junta's coup and the Turkish Cypriots who were caught in the crossfire. In reaction to the coup, Turkey, as one of the quarantor powers of the Cyprus Republic, warned that she would not accept any "fait accompli" on the troubled island.[54] On July 17, Turkish Premier Bulent Ecevit flew off to London to propose that the British and Turkish Governments restore Makarios to power through a joint military intervention, thus fulfilling their obligations under the 1960 Treaty of Guarantee. But, Great Britain, while pledging to support any diplomatic moves to insure the independence of Cyprus and to return Makarios to power, emphasized to Turkey that it would not get involved in a military intervention--Great Britain once again declined to involve itself in the crisis in order not put its bases, interests and families in jeopardy.

The American reaction to the coup was equally disappointing. On the day of the coup, the State Department's press spokesman, Robert Anderson, declared:

> Our policy remains that of supporting the indepence and territorial integrity of Cyprus and its constitutional arrangements, and we urge all other states to support a similar policy.[55]

Of greater significance was what the United States did not say that day. The United States Government did not criticize the Greek junta

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[54]Denktash, p. 68.

[55]Laurence Stern, The Wrong Horse: The Politics of Intervention and the Failure of American Diplomacy (New York: Times Books, 1977), p. 112.

for instigating the coup, no immediate steps were taken to reverse the coup, and not a word of regret was expressed about the reported assasination of the President Makarios. On the contrary, at a later briefing, the State Department spokesman stated, "In our view, there has been no outside intervention."[56] On July 16, the same spokesman evaded questions related to the United States recognition of the Sampson regime by simply saying, "The present situation on Cyprus is unclear, and in our view, as of the moment, the question of recognition does not arise." Later on, Secretary Kissinger explained the rationale for the State Department's seemingly passive role and for their reluctance to make strong public proclamations against Athens and Sampson as resulting from the "fear of encouraging the Turks to intervene in the crisis."[57] Ironically, it was this very inactivity which provoked the Turkish intervention, the fear that the United States was about to recognize the Sampson regime in Cyprus.

On the night of July 17, Secretary Kissinger dispatched Undersecretary of State for Political Affairs Joseph J. Sisco to Athens and to Ankara to prevent a Turkish intervention in Cyprus and a war between the two NATO allies and to aid in finding a solution to the crisis. Through the Undersecretary, Premier Ecevit sent the Greek Government an ultimatum demanding the withdrawal of Greek

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[56]Stern, p. 112.

[57]Oberling, p. 163.

Officers of the National Guard from Cyprus, the resignation of Nikos Sampson as President of Cyprus, and firm pledges concerning the independence of Cyprus.[58] Otherwise, Premier Ecevit warned, the Turkish Army would intervene in Cyprus. The West, including Greece and the United States, underestimated Turkish determination to safeguard Turkish Cypriot rights in Cyprus and were all under the impression that Turkey was once again bluffing, as it had been reluctant to intervene in previous years.

When the Undersecretary came back from Athens, on the night of July 19, he had very little to offer. The junta agreed to "replace" rather than "withdraw" the Greek Officers on Cyprus "on a phased time-table."[59] Premier Ecevit was not impressed with the Undersecretary's arguments against intervention and cited the United States's prevention of Turkish intervention and Turkey's acceptance of non-intervene in the 1964 and 1967 events as mistakes which brought about the latest crisis. This time, Ankara was convinced that a military operation on Cyprus was the only way to remove Sampson before he declared enosis.

On July 20, 1974, Turkey, justifying her action on the basis of Article IV of the Treaty of Guarantee of 1960, which entitled her to safeguard the independence, territorial integrity and security of Cyprus and to protect the Turkish Cypriot community, started her

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[58]Oberling, p. 163.

[59]Stern, p. 119.

military peace operation (later officially called the First Peace Operation). During the Turkish intervention, the Greek Cypriot National Guard and the EOKA-B attacked Turkish Cypriot enclaves throughout the island and in a few days almost all enclaves, except the main Nicosia enclave, were under the occupation of Greeks.[60]

Turkish intervention provoked the collapse of the military junta in Greece and its puppet regime in Cyprus. Constantine Karamanlis was recalled from self-exile in France to form a civilian government. Nikos Sampson was replaced by the Speaker of the Greek Cypriot House of Representatives, Glafkos Clerides. Although Turkey and Greece came to the brink of war because of Turkey's intervention, Karamanlis announced later that Greece could not go to war with Turkey over Cyprus due to "weakness inherited from the sinful past."[61]

Immediately after the cease fire of July 22, in compliance with the United Nations Security Council Resolution No. 353 adopted on July 20, 1974, which called upon Greece, Turkey and the United Kingdom "to enter into negotiations without delay for restoration of peace in the area and constitutional government in Cyprus," and in "regard to the International Agreements signed at Nicosia on August 16, 1960," the Foreign Ministers of Greece, Turkey and the United Kingdom held discussion in Geneva, which lasted from July 25 to 30. At the end of the Conference the Foreign Ministers issued

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[60]Denktash, p. 70.

[61]Salih, p. 96.

a Geneva declaration on July 30, 1974, in which they agreed that: a security zone should be established; all Turkish enclaves occupied by Greek or Greek Cypriot Forces should be immediately evacuated and should be protected by a security zone; detained military personnel and civilians should be exchanged or released; negotiations should be carried on to secure the restoration of peace in the area and the re-establishment of constitutional government in Cyprus. The three Foreign Ministers also noted in the Declaration "the existence in practice in the Republic of Cyprus of two autonomous administrations, that of the Greek Cypriot Community and that of the Turkish Cypriot Community."[62] It was also agreed that further talks should begin on August 8, 1974 at Geneva.

The second Geneva Conference was held from August 9 to 13, 1974, with the participation of Turkish and Greek Cypriot delegations. By the time the Second Geneva Conference started, Greece and the Greek Cypriot Administration had not fulfilled any of the obligations under the Geneva Declaration of July 30, 1974. The Turkish areas were still being attacked by the Greek and Greek Cypriot Forces; the Turkish enclaves had not been evacuated; and the establishment of a security zone had not been observed.[63] The Turkish Cypriot hostages were not released and continued to be harassed.[64] In spite

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[62]Oberling, p. 175.

[63]Oberling, p. 175.

[64]Denktash, p. 72.

of the Turkish intervention, all Turkish Cypriots outside the protection of the Turkish Peace Force continued to be under danger of annihilation.

The purpose of the Second Geneva Conference--as declared at the First Geneva Conference--was to reach a settlement on the details of the cease-fire and to discuss the constitutional question of immediately returning "to constitutional legitamacy, the Vice-President assuming the functions provided for under the 1960 constitution."[65] However, during the conference, the delegations of Greece and of the Greek Cypriot administration tried to prevent a serious discussion on the constitutional status of Cyprus.[66] They also delayed the working of the conference by claiming--in spite of the Security Council Resolution--that the conference was not authorized to take up such matters.[67] When finally the Greek side rejected Turkish proposals for establishing two separate autonomous units within a federal or cantonal system in an independent Cyprus and demanded the withdrawal of Turkish forces from Cyprus and a thirty-six hour adjournment for further consultations with their governments, the talks collapsed. Since the Turkish Peace Forces occupied a small, triangular region in Cyprus which was vulnerable to attacks, the Turkish side interpreted these actions as delaying tactics "to

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[65]Declaration by the Foreign Ministers of Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland, 30 July 1974, as cited in Nedjatigil, p. 152.

[66]"Statement by Prime Minister Bulent Ecevit, August 14, 1974," Milliyet, 15 August 1974.

[67]Milliyet, 15 August 1974.

regroup (the Greek) forces in the island and to muster enough international support to lever the Turkish peace force out of Cyprus."[68] Thus, upon the failure of the Second Geneva Conference, Turkey decided to carry out a second phase of its peace operation. Turkish Prime Minister Ecevit explained the reasons which necessitated the second military action as follows:

> Having reached the conclusion that there is no use but only harm in maintaining the appearance of continuing a conference that is intentionally obstructed and whose deliberations are unilaterally violated, Turkey has considered it her duty to fulfill by herself her prerogatives and duties as a guarantor power, and her responsibilities concerning the independence of Cyprus as well as the rights and security of the Turkish Cypriot people.
>
> The action now undertaken by Turkey is at least as rightful and legal as the action she started on July 20, as a guarantor power and strictly within the bounds of her authority as such a power, for the same conditions exist today as on the 20th July - conditions that formed the basis of the rightfulness and legality of her action. This new Turkish action is as legitimate as Turkey's initial move and is its logical conclusion.[69]

The Second Peace Operation began on August 14, 1974 and was concluded on August 16, 1974, thus bringing the territory in the North (thirty-six percent of the Island at present) within the boundaries of the Turkish Federated State of Cyprus, under Turkish Cypriot control and administration.

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[68] Denktash, p. 73.

[69] Denktash, pp. 73-74.

The Second Peace Operation, which had important international repercussions; also adversely affected the United States's relations with both Greece and Turkey. The Turkish unilateral action provoked Congressional opposition in the United States and led to the imposition of an embargo against Turkey, in spite of the Ford Administration's attempts to stymie it. Over the next months, Congress became the battleground of a major foreign policy debate between the executive and legislative branches over the Cyprus dispute and the Turkish arms embargo that followed.

CHAPTER III

THE TURKISH ARMS EMBARGO EXPERIENCE AND EXECUTIVE-LEGISLATIVE RELATIONS

A. CHARACTERISTICS OF THE CASE

The Legal and Political Context of the Aid Ban

The struggle over further military aid to Turkey between President Ford and Secretary of State Henry Kissinger on the one side and both houses of Congress on the other illustrates a case of decision-making in which political and legal components were involved; the former's political foreign policy considerations conflicted with the latter's desire to apply binding legal rules. In other words, the military arms embargo issue involved the strict application of United States foreign assistance legislation with respect to the Turkish intervention in Cyprus against the administration's will. The two sides of the issue—legal and political--provided the basis for the opposing arguments of the executive and legislative branches of the Government. Hence, the Turkish aid ban issue generated not only a "political and legislative" confrontation between the two branches but also "constitutional, moral and national security arguments."[1]

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[1]Laurence Stern, The Wrong Horse: The Politics of Intervention and the Failure of American Diplomacy (New York: Times Books, 1977), p. 146.

United States military and economic aid to Turkey dates from the immediate post-World War II years--the Truman doctrine--and has been provided partly in the form of grants, partly in the form of loans (or credits) and partly in cash purchases. Such aid has been given on the basis of existing United States legislation on the subject and through bilateral agreements between Turkey and the United States.

Two provisions of United States law--subsection 505(d) of the Foreign Assistance Act of 1961 and section four of the Foreign Military Sales Act of 1968--specify the allowable uses of United States military assistance to foreign countries. If these conditions are violated, an immediate aid cut-off is required. Also, the United States--Turkey bilateral agreements of 1947 and 1960 include provisions on the legitimate uses of United States supplied equipment. Some of these provisions and agreements will be briefly examined here.

In 1962, the Foreign Assistance Act of 1961 was amended to include a provision which, in its present form, section 2314(d), sets forth the following:

> Any country which hereafter uses defense articles or defense services furnished such country under this chapter, the Mutual Security Act of 1954, as amended, or any predecessor Foreign Assistance Act, in substantial violation of the provisions of this chapter (sections 2311-2320) or any agreements entered into pursuant to any of such Acts shall be immediately ineligible for further assistance.[2]

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[2]Public Law 87-565, Pt. II, sec 201(a), 76 Stat. 259 (1962), amending the Foreign Assistance Act of 1961 by adding subsec. 505d; 22 U.S.C.A. sec. 2314(d).

In its current form, section 2302 (successor to the section 2313(a) mentioned in the Act) specifies the principal purposes of the provision:

> Defense articles and defense services to any country shall be furnished solely for internal security, for legitimate self defense, to permit the recipient country to participate in regional or collective arrangements of measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. . . .[3]

In order to be eligible for defense articles on a grant basis, an applicant country must agree, "that . . . it will not, without the consent of the President . . . use or permit the use of such articles for purposes other than those for which furnished . . . ."[4] This condition was also drawn in the 1947 bilateral agreement between the United States and Turkey which was signed and entered into force on July 12, 1947.[5] Article II of the Treaty declares that the Government of Turkey "will make use of the assistance furnished for the purposes for which it has been accorded." Article IV of the agreement requires Turkey to obtain United States approval for the use of

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[3] 22 U.S.C.A. sec. 2302 (1975 suppl.).

[4] Public Law 87-195, section 505(a)(1)(c); 22 U.S.C.A. 2314 (a)(1)(c).

[5] T.I.A.S. 1629, 61 Stat. 2953.

American arms for any purpose other than that for which the article is furnished. Also, by an exchange of notes dated May 16/June 16, 1960, between the two countries, the Government of Turkey agreed that in order to use United States supplied equipment for its military force in Cyprus, she had to ask the consent of the United States "for such use for a purpose other than those for which the material was furnished."[6]

Therefore, according to the legal arguments, Turkey was ineligible for further assistance because the Turkish operations in Cyprus could not fit under any of the headings of the United States law mentioned above. And secondly, Turkey did not ask the consent of the United States before using United States material in Cyprus. So, in addition to the United States law on foreign assistance, Turkish use of United States supplied military equipment in Cyprus constituted a violation of the 1947 and 1960 agreements due to the absence of formal consent by the United States for such use. In short, the illegality of further military assistance to Turkey, after her use of United States supplied material during its operations in Cyprus, constituted the legal component of the issue.

Although this may be true, generally speaking, provisions of the foreign aid legislation exemplify the hegemonic relationship between the United States and its aid recipients. The United States supplies the aid on the condition that recipients can only use it for

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[6]U. S. Cong., Senate, Committee on Foreign Relations, Sub-Committee on U. S. Security Agreements and Commitments Abroad, Hearings on United States Security Agreements and Commitments Abroad--Greece and Turkey (pt. 7), 91st Cong., 2nd Sess. (Washington, D.C. GPO, 1970), p. 1780.

the certain purposes set forth by the United States law. So, the United States enjoys the privilege of being the only judge to interpret vague legal concepts when the relevant provisions are disputed. Also, since the United States is in a position to apply the provisions of the law and stop aid at any time, the threat to do so constitutes a bargaining advantage for the United States in its relationship with its aid recipients.

The history of the application of the law (sec. 2314(d) in particular) is not clear and is not sufficiently documented. Under the existing law, the president has to recognize the nondefensive or aggressive, illegal use of United States supplied military equipment--the questions of precisely what kinds of activities constitute "aggression" and what is meant by "substantial violation remain purposefully vague. Presidents have avoided the determination of aggressive use either "out of concern for further weakening an ally already engaged in war" or because both countries were armed almost entirely with United States weapons, which made it difficult to determine which side "intended to commit aggressive acts."[7] Therefore, without this recognition, Congress generally preferred to avoid the legal issue rather than to compel the president to make a determination of the illegal use.[8] As the administration and congressional

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[7]Clifford Hackett, "Ethnic Politics in Congress: The Turkish Embargo Experience," in Ethnicity and U. S. Foreign Policy ed. Abdul Aziz Said (New York: Praeger Publishers, 1977), pp. 23-24.

[8]Hackett, pp. 23-24.

opponents of the Turkish aid ban pointed out during the congressional debates on the issue, no action was taken by the United States when successive Greek governments had secretly sent military personnel and United States supplied equipment to Cyprus from 1963 to 1967, as well as in July 1974.[9] Although the threat of an aid cut-off was expressly used against Turkey in order to restrain her intervention in Cyprus during the Johnson administration, no such threat was used against Greece when she took United States supplied equipment from the naval base in Crete during the summer of 1974 in possible preparation for a war with Turkey.[10] Moreover, according to a senior United States general, Israel had also used United States supplied weapons, in violation of a similar bilateral agreement, to invade Egypt, Jordan and Syria in 1967[11] and on June 27, 1979 to shoot down Syrian planes with United States supplied F-15 fighters.[12] Although these acts constituted a violation of the bilateral agreements between the United States and the above mentioned countries, there was no move in Congress in favor of an arms embargo against the Israelis or the Greeks. Why did the Congress not avoid

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[9]Russel Warren Howe and Sarah Hays Trott, The Power Peddlers: How Lobbyists Mold America's Foreign Policy (New York: Doubleday and Company, Inc., 1977), p. 461.

[10]Steven V. Roberts, "Greeks in Crisis, Took U. S. Supplies," New York Times, Late City Ed., 21 Aug. 1974, Sec. 4, p. 3., col. 1.

[11]Howe and Trott, p. 459.

[12]Pierre Oberling, The Road To Bellapais (New York: Columbia University Press, 1982), p. 183.

the legal issue in 1974, as it did earlier cases, and support the presidential position that aid to Turkey should not be suspended?[13]

As on other occasions, not all of which are known, after the Turkish landing on Cyprus, the administration tended to avoid the determination of an illegal use of United States supplied weapons and preferred to disregard the legal rules, on the grounds that their application would conflict with political foreign policy aims. For the opponents of the aid ban, the issue was political and once the legal point had been made, the issue had to be evaded. The policy arguments of the opponents of an aid ban, as well as the arguments of the proponents of an embargo, will be presented in the following section.

The Major Actors and Their Stances on the Legal and Political Issues

The prime actors involved in the United States decision to cut-off military aid to Turkey can be identified as: the White House, including the President and numerous staff members; the State Department, including the Secretary and Undersecretaries; the Department of Defense; Congress; organized interest groups; the press; and influential individuals with access to the President, the Secretary of State or Congress. While there is no doubt the arms embargo decision included varying degrees of activity from each of these actors, the principal actors in the policy-making process for the

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[13]The factors which are likely to have contributed to the congressional move in favor of an arms embargo on Turkey will be discussed in a later section.

Turkish aid ban were President Ford, Secretary of State Henry Kissinger, Undersecretary of State for Political Affairs Joseph J. Sisco, certain individual Congressmen, the two foreign affairs committees of Congress, and the Greek lobby. The leading congressional proponents of the embargo were Thomas Eagleton and Adlai Stevenson in the Senate, Benjamin S. Rosenthal, Donald M. Fraser, and Greek-Americans John Brademas, Paul Sarbanes and Gus Yatron in the House. Among interest groups, the Greek lobby was clearly a major actor in the United States arms embargo decision.

In the dispute between Greece and Turkey over Cyprus, the legislative and the executive branches pulled in opposite directions. The President and the administration attempted to resolve the Cyprus crisis in a manner different from that sought by certain members of Congress, the Greek-American lobby and other officials with close ties to Greek-Americans. Whereas Capitol Hill favored mandatory steps to stimulate restoration of negotiation between Greece and Turkey, the White House believed in flexibility to conduct diplomatic negotiation and strongly opposed any sanctions. This disagreement between the advocates and the opponents of an aid embargo stemmed from their differences in interpreting the issue. Whereas the legislative branch was concerned about carrying out the provisions of existing United States domestic law with regard to Turkish use of United States supplied equipment during its military operation in Cyprus, the executive branch placed greater importance on the long term foreign policy considerations--the need not to alienate a strategically important ally by submitting her to external pressures.

The legislative branch wanted to insure that the administration would comply with existing law in foreign policy decisions. On the other hand, according to the administration the interruption of aid to Turkey would constitute an intervention in the political affairs of Turkey, and a continuation of aid was necessary so that the United States would be able to exercise influence over the peace negotiations and so that the Turkish government would agree to make concessions concerning Cyprus. In short, the executive and legislative branches not only had different conceptions of national and organizational interests related to the issue, but also were struggling for power over foreign policy decisions.

The defenders and the opponents of the aid ban focused on different sides of the issue. The proponents of the aid embargo centered their attention almost entirely on the legal issue, that is to say, on the illegality of further military assistance to Turkey after her "aggressive military action in Cyprus."[14] They cited the relevant provisions of the United States law and stressed the necessity to respect and obey the existing law. For example, one of the leading advocates of the embargo, Representative Rosenthal, explained at length:

> The United States bears not only the legal responsibility for which we are in unconditional violation of our own laws, but also a major moral responsibility in violation of the United Nations Charter, the NATO Covenants, and our own agreements with both nations, because 80 to 90 percent

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[14] Cong. Rec., Sept. 24, 1974, pp. 32425-39 (Representatives Rosenthal, Brademas, Du Pont, Sarbanes, Addabbo, Kyros, Wolff, Koch).

> of the equipment that was used in that aggressive military action was made, paid for, and delivered by the United States.[15]

On the other hand, the opponents of the aid ban tended to avoid touching on the legal issue, and they used policy arguments instead. They pointed out: the possible negative consequences of an aid embargo; the need to give the Secretary of State the flexibility which is necessary to negotiate a settlement between Cyprus, Turkey and Greece; the dangers of congressional involvement in the day-to-day or month-to-month conduct of foreign affairs by the administration; the necessity to save the southern flank of the NATO alliance; the strategic importance of Turkish bases for the United States's security interests and for the peace in the Eastern Mediterranean and so forth.[16] The defenders of the aid ban distinguished between the two Turkish operations in their legal arguments. They argued that although the first Turkish move on July 20 against the illegal attempt by the Athens military junta did have some legal basis, the second military action had no such legal basis and was in clear violation of the United States law and bilateral agreements. From time to time, they referred to the condition of the refugees in Cyprus and the need for the United States action.[17] The opponents of the embargo occasionally touched on the legal issue and when they did, they either referred to the similar violations of

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[15] Cong. Rec., Sept. 24, 1974, p. 32430.

[16] Cong. Rec., Sept. 24, 1974, pp. 32425-39 (Representatives Mahon, Cederberg, Gross, Frelinghuysen, and Sikes).

[17] Cong. Rec., Sept. 24, 1974, p. 32431 (Representative Du Pont).

the United States law by Greece (mentioned in the previous section) and suggested application of the aid ban to Greece as well as Turkey, or pointed out that the law was not all that clear.[18] Representative Gross raised the following question on the floor of the House:

> Mr. Gross. Is there anyone here today saying that Greek forces on the island did not use United States military equipment in their fight against Turkey?
>
> Mr. Mahon. We supplied plenty of weapons to the Greek government, and I assume some of those have been used in Cyprus and, therefore, if it is illegal for the Turks, I would assume it would be illegal for the Greeks. I do not know whether we have resolved who was the aggressor in this contest or not. That is a matter that is some degree of controversy, but I assume that United States equipment is being used on both sides.[19]

During the discussions with the Greek and Turkish governments before and after the first Turkish military action in Cyprus, the administration raised the possibility of an aid cut-off only in the event of a war between Turkey and Greece. At a press conference held at the State Department on August 19, 1974, after the second Turkish operation, Secretary Kissinger explained why the threat of a military aid cut-off was not considered:

> The United States did not threaten the cut-off of military aid to Turkey for these reasons: First, it was considered that such an action would be ineffective and would not prevent the threatening eventuality; secondly, as was pointed out in this statement, we are giving economic and military aid as a reflection of our common interest in the defense

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[18] Cong. Rec., Sept. 24, 1974, pp. 32428, 32435, 32439 (Representatives Gross, Mahon).

[19] Cong. Rec., Sept. 24, 1974, p. 32428.

> of the Eastern Mediterranean. Once such a decision is taken, it will have the most drastic consequences and not just over a period of time covering a few days, but over an extended period of time.
>
> For all these reasons, it was judged that the United States would be both ineffective and counterproductive to threaten the cut-off of aid.
>
> Short of this, however, we made the most repeated and urgent representations to Turkey in order to prevent the military action that happened. We have criticized the action and we believe also the inflexibility of all of the parties in Geneva contributed to it.[20]

In response to a related question Secretary Kissinger replied:

> The cut-off of military aid was judged not to be effective in the circumstances . . . . It is a step we would take only in very extreme circumstances which, I repeat, have not arisen, and which I do not foresee. We can not rule it out for all time, but we do not foresee it, and we are not threatening with it now.[21]

At the same news conference, the legal issue was raised publicly for the first time by James McCartney, diplomatic correspondent of the Knight newspapers.

> Question. . . . The Foreign Assistance Act states . . . that defense services to any country shall be furnished solely for internal security and for legitimate self defense. It also states that any country which uses articles which we have given them in substantial violation of the act shall be immediately ineligible for further assistance.
>
> The question that I am asking is whether or not, what your understanding of the legal terms of the act are, whether or not we are not required under the terms of the act to cut military assistance to Turkey?

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[20] "Secretary Kissinger's News Conference of August 19," Department of State Bulletin (DSB), 71, No. 1827 (1974), 354-355.

[21] DSB, p. 357.

> Secretary Kissinger. Well, I will have to get a legal opinion on that subject, which I have not done. The considerations from a policy point of view that were at the mind of the President and myself have been stated here.[22]

Although Secretary Kissinger requested Mr. Carlyle E. Maw, Undersecretary of State for Security Assistance, to prepare a legal study on the subject with the help of a team of lawyers,[23] the State Department delayed commenting on the results of the analysis stating that "it is a complex, complicated matter that is under study."[24] Meanwhile, the legal issue was raised in Congress, on August 29, 1974 by Representatives Brademas, Kyros, Yatron and Sarbanes in a letter to Secretary Kissinger:

> We are shocked to learn from recent press reports that the United States Government is continuing to provide military assistance to Turkey. This letter is to urge once again in the strongest possible terms that you take immediate action to halt all United States assistance to the Government of Turkey. We would further emphasize that such action by you cutting off aid to Turkey is not discretionary as a matter of policy, but is mandatory under the terms of the Foreign Assistance Act of 1961, as amended.
>
> . . . . . .
>
> . . . Turkey is no longer legally eligible for assistance, and proper application of the law requires the immediate halt of aid.
>
> Clearly, the Department can not, and would not wish to, be in the position of pursuing a policy which directly violates applicable provisions of law. Since the terms of the Act call for immediate ineligibility, your prompt reply to this letter

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[22] DSB, pp. 357-358.

[23] Cong. Rec., Sept. 11, 1974, p. 30702.

[24] Cong. Rec., Sept. 11, 1974, p. 30702.

> is urgently requested. In this regard, we note that in your press conference of August 19, 1974, you indicated you would be getting legal opinion on this very subject. We assume that preparation of this opinion has been completed, and we, therefore, anticipate an immediate response to the critical legal questions raised herein.[25]

Meanwhile, Senator Eagleton requested two agencies of the legislative branch--the Library of Congress and the General Accounting Office (GAO)--to prepare a legal study on the subject.

On September 3, 1974, a State Department official leaked to Senator Eagleton that "the legal study of the Turkish military aid question had been completed in the Office of Legal Advisor" and that "pressure was being applied at the top of the department to modify the conclusions more to the tactical requirements of Kissinger by returning the unsatisfactory opinion to the staff for revision."[26] Two days after this State Department leak, on September 5, 1974, Senator Eagleton brought the question to the Senate floor:

> . . . we have just emerged from a trying period of American history - a period when laws were winked at and rationalized to fit the concepts of policy-makers. By and large, we have learned that policies created in ignorance of or in spite of the law are doomed to failure.
>
> I am sure that it is not President Ford's intention to ignore the law in this instance . . . But it is my belief that he is being ill-advised or being kept uninformed of the legal ramifications of his inaction in the Cyprus matter in order to protect erroneous policy judgements made by the foreign affairs bureaucracy.[27]

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[25] Cong. Rec., Sept. 11, 1974, p. 30700.

[26] Stern, p. 144.

[27] Cong. Rec., Sept. 5, 1974, p. 30282.

On September 10, 1974 in response to the letter from Representative Brademas and others, the Assistant Secretary for Congressional Relations of the State Department, Linwood Holton, wrote:

> We regret the delay in resolving this matter, but I would like to assure you that the Department has been giving this complex legal question its urgent attention. Please rest assured that we will provide you with the results of our study on the political and legal aspects of United States assistance to Turkey as soon as a final determination becomes available.[28]

The advocates of the embargo viewed the issue in moral and legal terms and as the administration's unwillingness to obey the existing United States law. The failure of the administration to apply the law by suspending military aid to Turkey was "linked" to broader executive infringements such as "impoundment, FBI and CIA illegalities and Watergate itself."[29] According to leaked press reports, in a closed meeting with the Democratic caucus of the Senate on September 19, Secretary Kissinger asked the senators "not to write any restrictions into the law." Then an exchange of words followed between the Secretary and Senator Eagleton.

> Senator Eagleton: We are not writing restrictions into the law, Mr. Secretary. All we ask is that you enforce the law on the books.
>
> Secretary Kissinger: I have received a very complicated analysis from my people, the dominant interpretation of my legal people is yours, Senator Eagleton.

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[28] Cong. Rec., Sept. 11, 1974, p. 30700.

[29] Keith R. Legg, "Congress as Trojan Horse?: The Turkish Embargo Problem, 1974-1978," in Congress, the Presidency and American Foreign Policy ed. John Spanier and Joseph Nogee (New York: Pergamon Press, 1981), p. 118.

> Senator Eagleton: If my opinion is the dominant one and the right one, do you have any choice but to enforce it or seek its change by legislative process?
>
> Secretary Kissinger: We are exploring our options and will consult with the appropriate congressional leaders.
>
> Senator Eagleton: Do you have any alternative but to obey the law?
>
> Secretary Kissinger: If your legal opinion is correct, it will have very adverse foreign relations consequences for an important ally.[30]

Accordingly, in a speech on the floor, Senator Eagleton said:

> Even he, the esteemed and prestigious Secretary of State is not above the law. If we have learned one thing in the past two years, it is that no man is above the law.[31]

Despite the continuing pressure from certain members of Congress, the Department of State refrained from asserting a legal position for the next weeks. In response to Senators Eagleton and Kennedy's question on the State Department's conclusion of its review of the legality of United States military aid to Turkey, the Assistant Secretary for Congressional Relations of the State Department wrote on November 22, 1974:

> After carefully weighing the legal and foreign policy considerations, the administration decided that it was impossible publicly to express a legal conclusion on the issue of Turkey's eligibility for further assistance and sales

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[30] "Senate Urges Ford to Halt Arms Aid to Turkey," New York Times (NYT), Late City Ed., 20 Sept. 1974, p. 4., col. 2.

[31] NYT, 20 Sept. 1974, p. 4., col. 2.

> without undermining our foreign policy objective of persuading Turkey and Greece to enter into direct negotiations for a solution to the Cyprus problem.[32]

In response to the letter from the State Department, Senator Eagleton remarked:

> . . . not long ago the White House used the phrase "national security," now it is "foreign policy objective." But the meaning is the same- that the personal concepts of men in power can especially in crisis situations, replace the dictates of law. That is a dangerous proposition.[33]

Accordingly, in a speech on the floor, Representative Sarbanes said:

> . . . the most basic principle of this country's system of government, that the laws are to be faithfully executed and not bent, ignored, or circumvented for the convenience of any official.[34]

In sum, whereas the executive branch believed in flexibility in dealing with Turkey, the legislative branch favored the supremacy of law and morality and advocated strict interpretation of the legislation.

The conflict between the executive branch and the Congress was affected by the growing lobbying activities of the Greek-American community. They reinforced the arguments of the pro-embargo elements in Congress and mobilized support for the embargo. Therefore, their role in the policy process can not be ignored. The Greek

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[32] Cong. Rec., Dec. 3, 1974, pp. 37803-37804.

[33] Cong. Rec., Dec. 4, 1974, p. 38078.

[34] Cong. Rec., Sept. 24, 1974, p. 32434.

lobby engaged in a successful campaign of political pressure on vote conscious congressmen in opposition to Turkey immediately after the Turkish military action. The rule of law became the unanimous slogan of the lobby groups and the receptive senators and congressmen.

The Greek-American population--about 3 million people--is composed of three different groupings. The first group consists of immigrants who came to the United States before or immediately after the Second World War. The second segment is comprised of a recent group of immigrants who have entered the United States since the 1966 liberalized immigration laws. And the third group, which is the main body of the Greek-American community includes the children and grandchildren of the immigrants.[35]

The Greeks who immigrated to the strategically located urban states, such as New York, New Jersey, Illinois, Missouri, California and Maryland, were rapid in forming ethnic organizations. According to a 1975 survey, there are about 155 Greek-American organizations which are different in size, scope and area--mostly dedicated to cultural, social, educational, religious and political activities.[36]

The American Hellenic Educational Progressive Association (AHEPA) which is the leading Greek-American fraternal organization, with about 30,000 full members and 16,000 female and youth auxilaries,

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[35]Charles C. Moskos, Jr., Greek-Americans (Englewood Clifts, N.J.: Prentice Hall, Inc., 1980), p. 66.

[36]Sallie M. Hicks, and Theodore A. Couloumbis, "The Greek Lobby: Illusion or Reality?" in Ethnicity and U. S. Foreign Policy, ed. Abdul Aziz Said (New York, N.Y.: Praegar Publishers, 1977), p. 93. The authors covered approximately a ten year period (1965-75) in their survey.

has been very successful in maintaining and increasing its membership size since 1922.[37] AHEPA, which is the largest of the nationwide Greek-American organizations, has always been involved in social, philanthropic and political activities for Greece and the Greek-American youth, and its members have always showed interest in the problems concerning Cyprus.[38]

The Greek Orthodox Church, which is a central Greek-American Institution, is also the prime definer of Greek ethnicity in the United States. In other words, Greek orthodoxy and Greek ethnicity are intertwined.[39]

The Greek Orthodox Church and AHEPA are the national, longstanding Greek-American institutions which represent most elements of the Greek-American community. In addition to these two national institutions, several other Greek-American organizations have arisen in response to the Cyprus crisis. The American Hellenic Institute and its Public Affairs Committee (AHIPAC), United Hellenic American Congress (UHAC), the Hellenic Council of America, The Americans for Cyprus Committee, the Pan Hellenic Emergency Committee, the Pan Hellenic Liberation Movement, the Free Cyprus Coalition and United Hellenic Association are among the important groups that appeared in the wake of the Turkish intervention in Cyprus.[40]

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[37]Howe and Trott, p. 457.

[38]Hicks and Couloumbis, p. 95.

[39]Hicks and Couloumbis, pp. 88-89.

[40]Howe and Trott, p. 455.

Greek-Americans are considered fairly active, both socially and politically in the United States. Throughout the post-war period, active Greek-Americans have exerted political pressure on behalf of Greek interest and have become more prominent in American politics. After the war, Greek-American organizations rallied for the Marshall Plan and in support of the Truman doctrine. In the 1950's these efforts shifted to support for the Greek-Cypriot community in Cyprus in favor of enosis. In 1964, Greek-American and Cypriot organizations played a role in influencing President Johnson to write Turkish President Ismet Inonu warning him against use of any United States supplied weapons for a Turkish intervention in Cyprus. Likewise, during the 1974-78 period, these institutions activated and co-ordinated pressures on members of Congress by influential Greek-American supporters and contributors in their districts. AHEPA, which is perceived as the representative of and spokesman for Greek-Americans and their interests, has been very important for the grass roots lobbying of Congress on the issue of the Cyprus dispute and the arms embargo. Also, the Greek Orthodox Church, which is a grass roots organization in membership, commitment and visibility, communicated a deep concern over Cyprus to its members during the Cyprus dispute and informed them of actions in Congress. However, Greek-Americans have never co-operated in such great numbers to exert constituency pressures on congressmen as they did during the Cyprus dispute and the Turkish aid ban issue.[41] Although they

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[41]Hicks and Couloumbis, p. 86.

were divided in their attitudes toward the Greek military junta as supporters and anti-junta activists, they temporarily united and started working together to voice political concern vis-a-vis the Cyprus issue and for the purpose of lobbying the United States Congress to bring about a ban on aid to Turkey.

Greek-Americans were found in both parties, in the congressional districts and state political organizations. Greek-Americans were also significant campaign contributors.[42] In the mid-1970's, several state governors, state legislators, mayors, representatives, and congressional staff members were Greek-Americans. There were five congressmen of Greek descent in the House of Representatives for the 95th Congress: John Brademas (Indiana), the democratic majority whip; Paul L. Sarbanes (Democrat, Maryland) who was later elected to the United States Senate; Gus Yatron (Democrat, Penn.); L. A. "Skip" Bafalis (Republican, Fla.); Paul E. Tsongas (Democrat, Mass.) who was elected to the United States Senate in 1978.

Greek-Americans as an organized interest group engaged in political activities expressing their concern especially over two issues: refugee relief help and the illegality of continued American military assistance to Turkey by invoking the principle of "rule of law." The Greek government which was obviously interested in the embargo on Turkish arms, made significant efforts to mobilize prominent Greek-Americans to exert pressures on Congress, the administration and the mass media. The intensity of Greek-American activity

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[42] Morton Kondrache, "The Greek Lobby," The New Republic, 29 April 1978, p. 15.

increased with the establishment of the American Hellenic Institute (AHI) and its lobbying arm, the American Hellenic Institute Public Affairs Committee (AHIPAC) and other new organizations which have been noted earlier. AHEPA, AHIPAC, and UHAC generated telephoning and letter-writing campaigns, organized demonstrations and arranged meetings with congressional representatives and face to face contacts between influential Greek-Americans and their senators and congressmen.[43] Moreover, the Greek-American press and radio played a significant part in communicating information on the Cyprus issue among Greek-Americans throughout the United States. Table I shows the circulation of the Greek-American newspapers in 1975.[44]

Greek-American organizations formed after the Cyprus crisis tried to appeal to the wider public such as academicians and other public opinion leaders for their support of the arms ban. Furthermore, Greek-Americans expressed their support for the embargo and their concern for the Greek-Cypriot refugees in the letters they sent to the editors of the major newspapers--the Baltimore Sun, the Christian Science Monitor, the New York Times, the Washington Post, the Washington Star News, etc.[45]

Greek-Americans sought support from other ethnic groups such as Armenians and Jews. Armenians, who had traditional biases

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[43]Howe and Trott, p. 443.

[44]Hicks and Couloumbis, p. 96.

[45]Hicks and Couloumbis, p. 84.

Table I

The Greek-American Press, 1975

Newspaper	Location	Language	Frequency	Circulation
Greek-American News	California	Bilingual	Bimonthly	n.a.
Western Hellenic Journal	California	Bilingual	Bimonthly	n.a.*
New California	California	Bilingual	Weekly	3,000*
Arkadiki	Illinois	Greek	Irregular	n.a.
Chicago Pnyx	Illinois	English	Bimonthly	2,000
Ekfrasis	Illinois	Greek	Monthly	1,500
Greek Press	Illinois	English	Weekly	17,000
Greek Star	Illinois	English	Weekly	10,000
Greek Free Press	Illinois	Greek	Monthly	n.a.
Hellenism	Illinois	n.a.	n.a.	n.a.*
GOYA	Illinois	English	Bimonthly	8,500*
Akritas	Maryland	English	Monthly	1,000
Greek Sunday News	Massachusetts	Bilingual	Weekly	15,000
Hellenic Chronicle	Massachusetts	English	Weekly	35,000
Detroit Athens	Michigan	Greek	Weekly	8,000
National Greek Tribune	Michigan	Greek	Weekly	10,000*
Crete	New York	Bilingual	Monthly	2,300
Greek American Cosmos	New York	n.a.	n.a.	n.a.*
Hellenic News	New York	Greek	Irregular	5,300*
Hellenic Times	New York	English	Weekly	n.a.*
Kampana	New York	Greek	Bimonthly	8,800*
National Herald	New York	Greek	Daily	18,312
New York	New York	Greek	Monthly	n.a.*
Makedonia	New York	Bilingual	Monthly	3,000*
Orthodox Observer	New York	Bilingual	Bimonthly	6,000*
Roumeli Press	New York	Greek	Irregular	2,500*
The Light	New York	n.a.	Periodic	n.a.
Hellenic News	Pennsylvania	Greek	Monthly	n.a.
GAPA	Pennsylvania	English	Monthly	n.a.
AHEPAN	District of Columbia	English	Monthly	27,070*

*Indicates a 1972 circulation figure.

NOTE: n.a. indicates data not available.

SOURCE: Greek embassy, Press and Information Office, Washington, D.C.

against Turkey, supported Greek-Americans in their cause. For example, Congressman Lester Wolf had a significant Armenian-American constituency who were pressing him to take a "hard line" against Turkey.[46]

On the other hand, there is contradicting information about the Greek-Jewish alliance. According to some sources the American Israel Public Affairs Committee (AIPAC) supported Greek-Americans to keep the Turkish arms embargo in effect.[47] Columnists Evans and Novak reported that pro-Greek forces forming an alliance with the pro-Israel block strengthened their position in Congress. They also remarked "nowhere has the danger been clearer than in the ban on Turkish aid pushed through Congress by an alliance of the small, potent Greek lobby and the large, potent Israel lobby."[48] However, according to Howe and Trott, the existence of the Jewish-Greek alliance was nothing but a rumor. Efforts by the Greek lobby to form an alliance with the influential Israeli lobby failed due to Israeli fear of losing United States listening posts in Turkey which had proven valuable to Israel during the 1973 Arab-Israeli War.[49]

Very little active counter-pressure to the Greek-American lobby came from Turkish-Americans who were few in number--mostly quiet

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[46]Thomas M. Franck, and Edward Weisband, Foreign Policy by Congress (New York: Oxford University Press, Inc., 1979), p. 193.

[47]Franck and Weisband, p. 193.

[48]Rowland Evans and Robert Novak, "Ethnic Foreign Policy," Washington Post, 7 April 1975, Sec. A., p. 21, col. 1.

[49]Howe and Trott, p. 458.

professionals--and poorly organized. One columnist remarked "there are few Turks in the United States and no effective Turkish lobby to balance of the Greek lobby."[50] Turkish American associations became active only after the arms ban.

Finally, the United States media, especially the press, followed the development of the Turkish arms embargo issue with interest. The interest came from the parallel drawn between the issue and the new activism of congress in foreign policy-making. Almost all reports of the five major newspapers--mentioned above--included the Greek-Cypriot refugee problem and the Turkish illegal use of United States supplied weapons in Cyprus. Although the press supported the arms embargo on February 5, 1975 justifying it as a demonstration of "United States's interest in promoting a quick and peaceful settlement to the Cyprus dispute,"[51] in the long run, by the time of July 1975 vote against an administration's effort to repeal the ban, the press started to support the administration's line.

From the mid-summer of 1974 until the summer of 1978, three administrations contended with the problem of the Turkish arms embargo issue. Congressional action on the Cyprus conflict--agitated by a group of Greek-American congressmen--started with proposals for simple resolutions which were not binding on the President. However, by early September Congress became involved in the legal issue and

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[50]Joseph C. Harsch, "The Circle Around Cyprus," Christian Science Monitor, Eastern Ed., 24 June 1975, p. 27, col. 2.

[51]Hicks and Couloumbis, pp. 84-85.

used it as the central argument for a variety of proposed amendments to pending bills making an aid ban mandatory. The terms of reference of the debate stayed basically the same when these amendments were discussed in Congress. The relevant amendments and bills will be presented in a later section of this chapter. Now, we will briefly examine some of the factors which prolonged Congressional support for the embargo.

Factors Affecting Congressional Support for the Aid Ban

Congressional initiative produced the embargo on military aid to Turkey, and congressional resistance, particularly in the House of Representatives, maintained it for nearly three and a half years. Therefore, the Turkish arms embargo issue is generally examined in terms of the state of Executive-Legislative relations. The Cyprus crisis took place at a time when Americans were preoccupied with the resignation of President Nixon and the ensuing change of administrations. In other words, the crisis occured at a time when the United States Presidency was weakened due to the combined effects of the Vietnam War and the Watergate scandal. Although the military defeat in Southeast Asia, United States domestic turmoil and the Turkish arms embargo issue do not seem directly related, the combination of Vietnam and Watergate created a mood in Washington hostile to presidential leadership. The Turkish arms embargo decision was made during this subsequent period of congressional assertiveness in foreign affairs. A deep distrust of the presidency and a determination to establish a regular procedure

that requires the President to report to and to consult with Congress before committing the nation to a foreign policy position motivated members of Congress to involve themselves in a wide range of Presidential policies.[52] The Turkish arms embargo issue is a good illustration of the executive-legislative rivalry and of congressional efforts to prevent the President from carrying out a foreign policy decision without consulting with Congress.

To explain the issue solely in terms of congressional assertiveness and activism or in terms of the struggle between the executive and legislative branches for control over foreign affairs would be one-dimensional examination of the congressional action banning further military aid to Turkey. What is more likely the case, however, is that a large number of variables worked in combination, such as Congress's reassertion of its constitutional role in foreign affairs, the role and activities of the Greek-American lobby, the dissatisfaction with the strategies and policies of Secretary Kissinger and the disapproval of Turkey's decision to renew production of opium. In this section, we will briefly examine each one of these factors involved in the making and maintaining of the decision to ban military aid to Turkey.

The aid ban issue as a constitutional conflict. The fundamental conflict between the President and his administration and an important number of members of Congress over the arms embargo

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[52]Franck, p. 35.

concerned the degree and the manner of participation of Congress in the making of foreign-policy decisions. The President, the Secretary of State and the members of Congress who opposed the embargo argued that Congress had an advisory role in the formulation of United States foreign policy. They insisted that, although the President had to consult with the Congress, he was in charge of the formulation and the implementation of American foreign policy. They were in agreement with the proponents of the embargo that under the United States Constitution, the Congress and the President had a shared and mutual responsibility in foreign affairs. On the other hand, they stressed that the President, who is supposed to be the center of action in foreign affairs, should be allowed to act and to speak for the United States--in the day-to-day handling of foreign policy--without undue restrictions. During the discussions over repealing the embargo, Senator Stennis said:

> We can not, of course, continuously enforce and carry out our foreign policy in all cases with guns and military forces alone. The President must have the power and freedom to make the necessary diplomatic moves as well without being hamstrung. I am strongly in favor of the constitutional power of the Congress in foreign affairs.
>
> . . . . . .
>
> On the other hand, I support just as strongly the power and freedom of the President to act on foreign policy matters which do not impinge on the constitutional prerogatives of the Congress.
>
> I say, therefore, that in matters such as a suspension of military assistance to Turkey-and other countries as well, for that matter-we should give the President sufficient leeway so

> that he can act and move without undue obstacles or hindrances.[53]

The opponents of the aid ban insisted that Congress could not engage in negotiations with foreign powers and that the mechanism of the legislative process could not lend itself to the flexibility required to deal with fast-changing policy needs. They also reminded their collegues that 535 members of Congress, each running for re-election and concerned with the various minorities and other special interests in their own districts, should not be dictating the implementation and the execution of foreign policy. Also, the administration believed that Congress, by its actions, was diminishing the power of the President to solve foreign affairs problems.

On the other hand, the defenders of the embargo, who disagreed with the President and the administration, stressed that in recent years Congress had taken a number of important steps to redress its power imbalance vis-a-vis the Executive and to regain its proper constitutional role in foreign policy. Therefore, they said, Congress was competent to decide along with the President on the principles which should govern the United States's general foreign policy. They added that the Congress had a Constitutional responsibility to enact statutory controls over programs and policies when it perceived such controls were in the national interest. According to the defenders of the embargo, Congress long ago

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[53] Cong. Rec., May 19, 1975, p. 14983.

recognized the potential dangers of military assistance and enacted laws strictly controlling the use of American weaponry by recipient nations. They stressed that the executive branch should not violate such established principles any time it would be convenient to do so. The administration's unwillingness to stop military aid to Turkey was characterized as an example of "international Watergate" by most of the defenders of the embargo. According to the proponents of the aid ban, the Administration was trying to "exclude the Congress from its rightful place in the foreign policy process."[54] In a letter distributed to the members of Congress, they asserted the legitimacy of congressional activism in foreign affairs:

> Certain high-ranking members of the Administration have made no secret of their distaste for a congressional role in the conduct of American foreign policy. They see it as "interference"; they feel their "hands are tied."
>
> We disagree. We feel that a strong and active congressional role is required not only by our Constitution, but by the needs of the present day as well.
>
> We reach this conclusion with the experience of recent years firmly in mind. Our long and tragic involvement in Vietnam was in large part a result of congressional acquiescence in uncontrolled presidential diplomacy.
>
> And the retreat of the White House behind an ever-widening cloak of secrecy and claims of "national security"-again with congressional acquiescence-made possible a Watergate, a long train of abuses in which the legitimate organs of government were subverted to serve wrongful ends.

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[54] Cong. Rec., July 31, 1978, p. 23555.

> Largely as a consequence of these two events, Congress has begun to reassert its proper role in the conduct of American foreign policy. Congress should resist any effort to neutralize this process.[55]

The members of Congress who opposed the administration insisted that it was not enough for the President to inform Congress of his final decisions on foreign policy but that he should keep Congress informed and should consult with its members during the actual processes of decision-making and implementation.

Secretary Kissinger called the congressional intervention in the conduct of foreign policy through the cutting off aid to Turkey a "national tragedy," and he felt that votes on aid to Turkey marked a "dangerous point of departure in the conduct of United States foreign policy."[56] His opinion was shared by many members of the executive branch. But on Capitol Hill, the votes for the embargo were viewed as a "welcome move toward the fuller participation of Congress" in the conduct of United States foreign policy.[57] It was this fundamental constitutional issue that was at the center of the dispute concerning aid to Turkey. In sum, the administration viewed the embargo initiatives as congressional attempts to interfere in a wide range of presidential policies and as intrusions on the President's ability to conduct a flexible foreign policy. On the other hand, members of Congress believed that they had to reassert their constitutional foreign policy prerogatives.

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[55] Cong. Rec., July 31, 1978, p. 23555.

[56] Laurence Stern "Bitter Lessons: how we failed in Cyprus," Foreign Policy, No. 19 (1975), p. 36.

[57] Stern, Bitter Lessons, p. 36.

The role of the Greek lobby. Another interpretation of the Turkish aid ban episode treats it primarily as a manifestation of "ethnic politics." The Ford-Kissinger administration believed that its policy was defeated by "ethnic politics" in the unsuccessful fight to prevent an arms embargo on Turkey. From Secretary Kissinger's perspective, the congressional restrictions were motivated by Greek-Americans and by other officials with close ties to Greek-Americans. Also the State Department believed that Congress was allowing itself to be manipulated by a minority of ethnic Americans.[58]

After the July 1975 vote in the House against the Administration's effort to repeal the ban, even the press started to disapprove of the voting behavior of the members of Congress who were "yielding" to domestic pressure politics and to ethnic lobbying. One journalist remarked:

> A voting bloc is a better friend on election day than a record of commitment to controversial national interests.[59]

Likewise, columnists Rowland Evans and Robert Novak said:

> The ban on aid to Turkey is the product of ethnic politics. Mr. Ford's failure to get aid resumed is the product of ethnic politics. This explains genuine alarm inside the administration that numerically small but politically powerful ethnic groups are influencing foreign policy as they long have been a force in domestic decision-making.[60]

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[58] Legg, p. 117.

[59] Charles Barlett, "Vote on Turkey Shows Undisciplined Congress," Washington Star News, 28 July 1975, Sec. A., p. 13.

[60] Evans, p. 21.

While other factors--stated earlier--may have played roles of varying importance, the activities of Greek-American lobby was undoubtedly an important factor in mobilizing congressional support for the Greek cause and for the embargo. So, in this section we will focus solely on the ethnic factor involved in the policy process.

In the summer of 1974, the Turkish military peace operations in Cyprus--which resulted in Turkish control of the northern part of Cyprus and in a significant refugee problem--generated a political mobilization of the Greek-American community. Congressmen of Greek descent, who served as the center of opposition to further military aid to Turkey, brought the legal issue to the attention of the policy-makers. They started to plead for the supremacy of law and morality and for a strict interpretation of existing legislation. Thus, Greek-American's desire to see a cut-off in military aid to Turkey coincided with other factors, including the new congressional mood to reassert its foreign policy prerogatives. The Greek lobby's most effective argument became the "supremacy of law." Accordingly, Greek-American organized groups gained access to many congressmen on the Capitol Hill to press for cessation of military aid to Turkey. AHEPA and the other organizations exerted grass-roots pressure on congressmen each time the executive branch proposed to weaken or to abolish the embargo.

The Greek-American organizations were generally well-established institutions with effective communications channels to

mobilize and coordinate widespread support for their cause. For example, the Greek Orthodox Church in the United States is not only a religious, cultural and ethnic unit, but it is also an administrative organ. Therefore, both organizationally and administratively, the Greek Orthodox Church had the ability to mobilize its constituency. The Greek Orthodox Church, as a well organized interest group, communicated concern over Cyprus to its members. On Sundays, during the church services, priests tried to arouse the feelings of the Greek-American communities by asking money for the Greek-Cypriot refugees and collecting petitions in support of an arms embargo against Turkey.[61] Also, during the Sunday church services, the names of the "damned" congressmen, who had voted against the ban, "with the administration" were read by the Greek Orthodox priests.[62] Moreover, some priests took active political stances and went to Capitol Hill to speak for the Greek cause to any congressmen who would pay attention, such as Cypriot-born priest, Evagoras Constantinides, a constituent of Representative J. Madden.[63] In short, the priests "in their dual role as preservers of religious tradition and guardians of Hellenism" initiated not only the support of Greek-Americans for the cause but also formation of other lobby organizations.[64]

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[61]Hicks and Couloumbis, p. 92.

[62]Howe and Trott, p. 443.

[63]Hicks and Couloumbis, p. 92.

[64]Hicks and Couloumbis, p. 92.

The American Hellenic Educational Progressive Association, like the Greek Orthodox Church, had an effective structure and viable communications channels, which could mobilize a widespread campaign. The association had its national headquarters in Washington, D.C., and was composed of active local chapters. AHEPA national officers in Washington used their geographical advantage and closely watched every action in Congress and then sent information to the AHEPA chapters. The representatives and senators who seemed to alternate their decisions on the arms embargo issue were noted and their names were sent to the districts. Then, AHEPA members from those congressional districts or states were motivated to write personal letters, to send telegrams and to make phone calls to those Senators and Congressmen.

The American Hellenic Institute (AHI) which is considered one of the most important force in bringing off the Turkish arms embargo, was formed three days after the Turkish landing in Cyprus.[65] AHI's objectives were listed as promoting trade relations and investment between the United States and Greece. The AHI Public Affairs Committee (AHIPAC) was supposed to be the lobbying arm of the trade association. On the other hand, several months after it was formed, AHI was still involved in nothing else but political lobbying against Turkey in Congress and in the "media."[66] Moreover, AHI and AHIPAC

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[65]Howe and Trott, pp. 442, 449.

[66]Howe and Trott, p. 446.

were not combined until after the embargo had been successfully lobbied for and had become a law.[67]

AHI established its headquarters in Washington, D.C., and used AHEPA channels for its grass-roots lobbying efforts. The membership dues of AHI--scholastic, individual, corporate--ranged from $100 and $500 to $5,000 a year. AHI had a link of communications channels between influential external audiences and its members. AHI kept voting records of individual senators and representatives in order to encourage Greek-Americans to apply additional pressure on these congressmen who were not in favor of the Greek cause. AHI was headed by a second generation Greek-American, Eugene T. Rossides, an assistant Secretary of the Treasury under Richard Nixon and a Washington law partner of former Secretary of State William P. Rogers.[68] Rossides, who illustrated his antipathy toward Turks in several of his declarations,[69] exerted intensive telephone pressure on individual congressmen. He not only had access to "profiles and voting records of congressmen"--related to the issue--but also had names and telephone numbers of "at least two Greek-Americans with influence on each of them."[70] An aide to Illinois Senator Charles Percy said "Rossides seemed to be

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[67]Howe and Trott, p. 446.

[68]Kondrache, p. 15.

[69]Kondrache, p. 15.

[70]Howe and Trott, p. 448. Later, it was discovered that Rossides had material interests--real estate and investments--in Cyprus. For further information, see pp. 466-467.

calling every five minutes. He was very demanding--dynamically obnoxious."[71] Furthermore, Rossides asked Andrew Athens--a Chicago businessman--to persuade Senator Percy to vote for an embargo.[72]

AHI published newsletters--to be distributed only to immediate members--which contained instructions about how to lobby Congress. In the newsletters, the members were told to visit their congressmen in large delegations and to emphasize "the refugee issue and the number of rapes."[73] Members were encouraged to give a dinner or to send a thank you note to their congressmen who voted "right."[74] If the congressmen voted "wrong," members were instructed to write a letter stressing the rule of law and the necessity of congressional reassertion of its foreign policy-making role against Kissinger and the administration.[75] Congressmen had to be reminded by the Greek-American constituents about the strategic importance of Greece to the United States and of the "Turkish heroin aggression against American youth."[76] Other activities of the institution included the publication of booklets about the Greek-American position and the distribution of speeches made by American

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[71]Howe and Trott, p. 443.

[72]Howe and Trott, p. 443.

[73]Howe and Trott, p. 464.

[74]Howe and Trott, p. 464.

[75]Howe and Trott, p. 464.

[76]Howe and Trott, p. 464.

supporters, such as James A. Van Fleet, Admiral Elmo R. Zumwalt and General George McChristian.[77]

In their book, The Power Peddlers, Howe and Trott mention that AHI had many legal problems due to illegal activities which were later discovered. Most of AHI's funds came from foreign sources--Greeks in Greece, London, Paris, Venezuela and elsewhere. All the corporate members were foreigners or foreign firms. Although foreign-funded lobbying and propaganda-disseminating agencies are required to register under the Foreign Agents Registeration Act (FARA), AHI avoided registering. Also a connection was found between AHI and the Greek embassy in Washington.[78]

The United Hellenic American Congress (UHAC) was founded in June, 1975, and was established by a Greek citizen, Archbishop Iakovos, who is the head of the Greek Orthodox Church in the United States. The headquarters of UHAC was in Chicago, and its members were usually lay and clerical church supporters. UHAC used religious channels to lead its grass-roots letter campaign. Other new Greek-American organizations which arose in response to the Cyprus crisis usually indulged in smaller scale activities, such as letter-writing campaigns, organizing demonstrations, or collecting money for the refugees. There were also self-appointed lobbyists, such as Elias

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[77]Howe and Trott, p. 464.

[78]For further information on the illegalities of AHI, see, Howe and Trott, pp. 445-448, 451-452, and 460.

Panayotov Demetracopoulos, who was known as being anti-junta and a friend of President Makarios.[79]

In short, Greek-American constituents appealed to their congressmen by means of letters and telephone calls and by inviting them to social events. For example, Chairman of the Rules Committee Ray J. Madden was told stories of "Turkish rape and mayhem on Cyprus" at a picnic given by "six thousand Greek-American constituents."[80] Another Representative, Floyd Spence, who was appealed to by his Greek-American constituents, said that "it would have cost him his South Carolina seat to have voted against the ban."[81] An aide to Senate Minority Whip Robert Griffin claimed that during the month of February, 1975, his office spent "forty or fifty hours on the phone" with Greek-American constituents from Michigan and received "three hundred telegrams a day" from them.[82] Disturbed by the persistent lobbying of his constituents, Representative Dent pleaded in anger in the House:

> One would think that I had never done a favor for anybody of Greek extraction. In the 43 years of being a legislator I thought I was their friend when they came with problems I could help with. All of a sudden

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[79]Howe and Trott, p. 2.

[80]Howe and Trott, p. 444.

[81]Howe and Trott, p. 444.

[82]Howe and Trott, p. 459. Most of the telegrams were considered lobby-organized pressure mail since their content and wording were almost uniform.

> someone calls my district and tells them that they heard I was going to vote for what would now be called the Turkish position. I had never voted that way before, so whoever called must have had some information I myself did not possess at that moment.
>
> . . . . . .
>
> I do not like to be intimidated. I do not like to be called foul names, and I do not like my girls to hear threats.
>
> . . . . . .
>
> It is time we quit, voting on the basis of our ethnic color, or religious beliefs.[83]

Ethnic lobbyists had their defenders and opponents at the Capitol Hill. House Minority Leader John Rhodes said that ethnic lobbying was "negative." He was very irritated when the Phoenix Chapter of AHEPA passed a resolution "condemning (his) pro-Turkish stance."[84] On the other hand, according to Representative Derwinski, ethnic politics was "as American as apple pie."[85] During a key debate concerning the embargo, he remarked:

> Specifically, there have been charges made that the Greek lobby has been improperly influencing judgement in the House, and earlier in the Senate, on this issue. . . . I do not think there is anything fundamentally wrong in the activities, the organized activities, and

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[83] Cong. Rec., July 24, 1975, p. 24520.

[84] Howe and Trott, p. 544.

[85] Cong. Rec., Oct. 2, 1975, p. 31464.

> the spirit that Greek Americans have shown in approaching this subject.
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> . . . . . .
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> . . . it is only natural that the Greek Americans would rise to what they consider the necessary defense of Greek interests. . . . it is only natural that the Greek lobby-to use that term-would try to influence the votes of members.[86]

In short, the administration "assigned major responsibility" for the embargo to the activities of the Greek foreign office, the Greek-American organized groups and others "sympathetic" to them.[87] Greek-American interest groups indulged in an active, direct and generally aggressive approach for their policy position of imposing an embargo on United States aid to Turkey. Their success was mostly due to the institutions's coordinative capabilities.

The poppy issue. The Cyprus crisis was not the only international development in 1974 which perpetuated and maintained Congress's seeking to cut military and economic aid to Turkey. On the contrary, Congressional initiatives to ban aid to Turkey had begun well before the Cyprus crisis of July 1974. The relations between Washington and Ankara were already strained due to the Turkish Government's announcement on July 1, 1974, of its decision to resume cultivation of opium poppies. Although the Cyprus dispute dominated the strain in American relations with Turkey, the "Poppy Problem" remained in the background, being the major concern

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[86] Cong. Rec., Oct. 2, 1975, p. 31464.

[87] Legg, p. 107.

for certain members of Congress throughout the crisis. Therefore, a number of votes in Congress--to discontinue aid to Turkey--might be better explained as expressions of certain representatives's disapproval of Turkey's decision to renew production of opium.

The first connection between Turkey and the United States involving opium was mutually advantageous. In 1805 when the British East India Company decided against transporting opium by its ships from Turkey to China, American ship captains immediately took it over and monopolized the trade for a quarter of a century.[88] The American attitude toward the drug trade gradually changed and by the early 1920's; the belief that opium must be eliminated at its source and its sale to addicts must be forbidden had gained acceptance. The long-term result of this decision was the formulation of a policy of "asking or demanding" that other countries comply with the American desire to control the drug abuse problem in the United States.[89]

In the 1960's, the number of heroin addicts in the United States vastly increased. President Johnson, convinced that eradication of opium at the source was the only answer to the United States drug problem, asked the American Ambassador in Ankara to approach the Turkish Government. The Johnson administration asked Turkey to enact strict control measures to prevent the illegal leakage of opium into the world market and to move toward total elimination of poppy

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[88]James W. Sapin, "The United States, Turkey and the Poppy," The Middle East Journal, 29, No. 3 (1975), p. 295.

[89]Sapin, p. 303.

cultivation.[90] The Demirel Government did not reject the eradication idea but insisted that total elimination would have to be done gradually since some provinces were simply too dependent on the crop, and it accepted the implementation of rigid control measures.[91] On March 12, 1971, however, the Demirel Government, unable to cope with many social and political problems (unrelated to the opium issue), was forced out of office by the Turkish military and replaced by a non-party government under Professor Nihat Erim.

The United States kept pressuring the Turkish military-backed government for an end to poppy cultivation. In the meantime, the United States Congress introduced a number of bills to cut-off of aid to Turkey, if Turkey did not cease production. Finally, the Erim Government decided to cut back production from seven to four provinces--in compliance with the previous year's government decree--for 1971-1972 and to ban the production totally in 1972-1973. Such a decree was issued on June 30, 1971, together with an announcement that the United States would grant financial assistance, in order to soften the economic effects of the ban.[92] In the same year, an agreement was reached between the two governments under which the United States Government pledged $15 million to Turkey to compensate for "its loss of foreign exchange earnings" from the legal export of opium and $20 million to encourage development of "alternate sources of income for the former

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[90]Sapin, p. 297.

[91]Sapin, p. 297.

[92]Sapin, p. 299.

poppy-growers."[93] The Turkish government indicated that it would pay subsidies in 1972 and 1973 to farmers who would end opium production. However, these figures were not publicized right away and the arrangements regarding the ban were not incorporated into a single formal agreement. In February 1972, Prime Minister Erim announced the details of the compensation plans for farmers and he stressed that the ban was a unilateral Turkish decision, which was not dictated from abroad. In the meantime, Secretary of Agriculture Clifford Hardin, accompanied by a high-level American mission, went to Turkey in order to explore, in conjunction with Turkish agricultural experts, alternative crops and sources of income for the farmers.[94] They found that there was no "single substitute crop" and that "much time and work" were needed to develop a variety of alternatives.[95] Moreover, the United States indicated that it expected the Turks to develop programs themselves with the help of only a limited number of United States personnel under contract.[96] At the same time, the word that the total sum had already been agreed upon started to spread to the public. By the spring of 1973, the United States had already transferred $10 million for compensation and $5 million for development of projects.

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[93] Sapin, p. 299.

[94] Sapin, pp. 300-301.

[95] Sapin, p. 300.

[96] Sapin, p. 300.

Meanwhile, the opium ban was continually criticized by the Turkish press, which often focused on the discontent of the villagers. For a variety of reasons, Turkish farmers did not like the arrangement or its administration. The poppy plant had been grown in Anatolia for many centuries. In Afyon province--the name of which means opium--and the surrounding provinces, almost half of the farmers grew poppy. The poppy was an integral part of life and was at the heart of the traditional economic pattern in the area. The imposition of the ban on opium poppy cultivation adversely affected socio-economic conditions of these farmers since the opium poppy had for centuries been their economic mainstay, as well as a central part of their subsistence. The seed of the flowers provided the bulk of the fat in the farmer's diet, as oil in which food was cooked. Poppy leaves were used in making salad; other parts of the plant were used in baking bread. What remained was either fed the cattle, made into furniture or burnt as firewood. In some remote and poor mountain villages, the poppy was the only crop that made a subsistence existence possible. To these poppy growers, the green leaves, seeds and dried stalks of the plant meant much more than the opium gum derived from it for illicit use and they themselves did not abuse opium. Hence, there was no significant addiction to opium in Turkey.

By 1973, it was clear that crop substitution and development programs introduced in the former poppy growing areas had not been able to alleviate the economic and social hardships caused by the ban in the projects's short span of time. Meanwhile Turkey

was in the process of transition to a representative government and was getting ready for democratic elections. The opium ban decision was an unpopular one, and almost all of the Turkish parties made it clear during their election campaigns that their intention was to revise the ban and at the same time to shoulder the responsibility of preventing illegal trafficking of opium.

In January 1974, Bulent Ecevit, leader of the Republican People's Party formed a coalition government and assumed the Premiership. It became clear almost immediately that Premier Ecevit and his ministers had the intention of revising the ban and had no interest in obtaining additional foreign aid to maintain it.[97] The Turkish view of the situation was that the illegal flow of opium from South and Southeast Asia to the American continents was clearly continuing and that none of the opium producing countries, other than Turkey, was asked to or forced to impose a total ban on poppy cultivation. Additionally, LSD and other synthetics were becoming increasingly popular in the American drug subculture and were gaining greater media attention due to their increased popularity. Turkey had been the second largest legal opium exporter in the world, and the ban in Turkey caused a shortage of around 200 tons of medicinal opium throughout the world.[98]

Turkish officials also pointed out that Turkey itself was finding it increasingly difficult and expensive to obtain its own

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[97] Sapin, p. 302.

[98] Cong. Rec., June 27, 1974, p. 21491.

needs in opiates for pharmaceutical use. Furthermore, as a result of the shortage of opium, India was making preparations to expand her production of opium by taking advantage of the Turkish ban.[99]

The Turkish Ministry of Agriculture started working on cultivation plans for 1974-1975. Visiting American Congressmen and journalists were told that the new Turkish Government was examining the various aspects of the situation and was trying to resolve the problem in a manner that would satisfy the "humanitarian concerns of the international community" on one hand, and "end the plight of the Turkish poppy growers" on the other.[100] Finally, on July 1, 1974, the Turkish Government announced the resumption of poppy cultivation in six provinces and four administrative districts of a seventh province in order to "improve the living conditions of the farmers whose livelihood depends on this cultivation and to meet the requirements of raw material for pharmaceuticals."[101] It was also announced that additional measures would be taken to impose more effective controls for the prevention of illicit drug smuggling. In authorizing the resumption of poppy cultivation Premier Ecevit said:

> Poppy cultivation will be limited, and will be done only by license under the stringent measures and effective control of the State. Our

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[99] Cong. Rec., June 27, 1974, p. 21491.

[100] Cong. Rec., Aug. 12, 1974, p. 27686.

[101] Cong. Rec., July 2, 1974, p. 22057.

> government, while resuming limited opium cultivation, will take most effective measures as a humanitarian duty, in order not to harm humanity at all. We hope nobody in the world will be in doubt of the goodwill and determination of the Turkish government in this respect.[102]

On July 2, speaking to Turkish Parliament he also indicated that if control measures proved inadequate, Parliament would be asked to enact additional laws to prevent illicit diversion. American reactions, both before and after the announcement of the repeal of the ban, were strong and harsh. This was due to the link drawn between the Turkish opium cultivation ban and the decreased amount of addiction, the disruption of the illegal drug network, and the high prices of heroin in the United States, particularly in New York. In the first half of 1974, the Turkish poppy issue reappeared on front pages and in editorials; old films were rerun; congressional statements, resolutions and visits to Turkey were frequent. In the immediate wake of repeal of the ban, the American Ambassador to Turkey was called back to Washington. Due to intense domestic pressure, American diplomats, instead of working with the Turks to ensure the greatest limitation of cultivation and the strongest control measures possible, tried to persuade or to force Turkey not to repeal the ban. Thus, this ill-advised and short-sighted American response caused a strong, indignant reaction in Turkey to being told what to do by a presumptuous and patronizing ally in matters

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[102] Cong. Rec., July 9, 1974, p. 22407.

perceived as clearly domestic. The poppy problem was regarded by the Turks as infringement on Turkish sovereignity and as American interference in the domestic interests of Turkey.

The congressional and press reactions in the United States were very strong. The pledge of the Turkish Government to control production and their invitation to others, including the United Nations, to help them in this effort were not taken seriously by most Americans. The United States State Department criticized the Turkish decision to resume opium poppy cultivation. Senator Mondale termed it "a declaration of war against our children."[103] Representative Wolff labeled the Turkish action as hostile to the interests of the United States.[104] A fiery, demagogic New York Post column called it an "act of war" and not only called for a suspension of all aid to Turkey, but also advocated the bombing of Turkish poppy fields by the U. S. Air Force, the seizure of all Turkish assets in the United States and a complete boycott of business owned by Turkish nationals.[105] The final result of the controversy was that a number of bills cutting off United States aid to Turkey were introduced. Among the legislation proposed immediately after the Turkish announcement of the repeal was a resolution calling for a cut-off of all financial assistance to

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[103] Cong. Rec., July 8, 1974, p. 22241.

[104] Cong. Rec., Aug. 5, 1974, p. 26803.

[105] Pete Hamill, "Act of War," New York Post, 8 July 1974, as quoted in Cong. Rec., July 16, 1974, p. 23638.

Turkey, introduced in the House of Representatives.[106] The President was urged to immediately suspend economic and military aid to Turkey under Section 109 of Public Law 92-226, which authorized the President to do so to any country that failed to take adequate steps to prevent narcotic drugs from entering the United States unlawfully.[107]

On July 8, during the consideration of the bill (S.3355), an amendment to the Comprehensive Drug Abuse Prevention and Control Act of 1970 was proposed which called for a suspension of aid until the Director of the Drug Enforcement Administration determined that a ban on the growing of poppies in Turkey was again in effect.[108] On July 9, another amendment was introduced to the Foreign Assistance Act of 1974, in the Senate, which called upon the President to make an affirmative finding that each country was taking adequate steps to control illicit opium and its derivatives in coordination with the Department of State.[109]

Most members of Congress argued that Turkey had a bilateral agreement with the United States and that it had unilaterally broken the agreement, that economic data showed how little benefit the impoverished farmers had been acquiring in the past from poppy cultivation, that illegal traffic could never be fully controlled if cultivation were resumed, and that Turkish opium was killing American

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[106] Cong. Rec., July 1, 1974, p. 21912.

[107] Cong. Rec., July 2, 1974, p. 22061.

[108] Cong. Rec., July 8, 1974, p. 22242.

[109] Cong. Rec., July 9, 1974, p. 22407.

youth. Turkish officials countered these arguments by stating that there was no such agreement between the United States and Turkey and that the ban was a unilateral sovereign action as was Washington's pledge of $35 million. They said that despite the small economic benefit derived from poppy cultivation, the poppy was all that some farmers were able to cultivate, and the right to resume growing it was the will of people. They asserted that illegal leakage would be controlled. However, they resented American charges that Turkish opium was "killing and exploiting" American children. They pointed out that American drug addicts "were killing themselves for reasons peculiar to their own society."[110] They also stressed the hypocrisy of American demands for an opium ban at its source while the United States Government was simultaneously pressuring Turkey to reduce the stiff sentences meted out to convicted American drug smugglers.

On July 11, Senator Mondale proposed a somewhat improved version of the original amended legislation concerning the Comprehensive Drug Abuse Prevension and Control Act. His amendment made the cut-off of aid mandatory, as of January 1, 1975, to any country which permitted the production of opium poppies, unless the President were to determine that a ban on the growing of opium poppies was in effect or were to certify to Congress that such country was effectively preventing the diversion of opium and its derivatives into illicit markets.[111] Some members of Congress opposed a

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[110] Sapin, p. 36.

[111] Cong. Rec., July 11, 1974, p. 22907.

mandatory aid cut-off and thus this amendment. They argued that this amendment was aimed at Turkey--although not specifically--and that it might exacerbate the problem and create a situation which that country would not be willing to negotiate with the United States, feeling that it was being manipulated by the United States in its domestic affairs. They also insisted that this amendment would fail to achieve its purpose which was to induce the Turkish Government to reverse its decision. Furthermore, they believed that an explicit threat to cut-off aid would influence emotions and diminish substantially the likelihood of achieving a satisfactory resolution of the poppy problem. They also stressed that Turkey should be given the opportunity to demonstrate that it could impose the safeguards, such as those existing in India, to prevent illicit trade. At one point in the debate, Senator Goldwater said:

> I do not think anybody in this body can defend the way this country and the way the states and cities have prosecuted those people who are guilty of the illicit traffic in dope. If we start getting tough about these things, I think we can do a better job controlling it. We are not going to control heroin coming into this country by telling Turks what they can or cannot do. I think they will turn around and tell us what we can do.[112]

A substitute amendment giving the President authority to waive the provisions based on the national security interests of the United States was rejected, and the Mondale Amendment was agreed on by a vote of 81 to 8.

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[112] Cong. Rec., July 11, 1974, p. 22923.

Although the crisis erupted in Cyprus in mid-July, the concern of Congress remained the drug traffic, and some members of Congress demanded that the State Department not use the crisis to make secret concessions to Turkey on opium.[113] On August 6, Congressmen Wolff, Rangel and Rodino in the House and on August 12, Senators Mondale and Buckley in the Senate introduced resolutions asking the President to initiate negotiations with the Turkish Government to prevent the resumption of opium production or to assure that adequate control measures had been developed and implemented to prevent the smuggling of Turkish heroin. If these negotiations were unsuccessful, the resolution asked for a suspension of all United States assistance to Turkey.[114] The original resolution, adopted immediately following Turkey's announcement of the repeal of the ban, which called for an immediate cut-off was now modified by the Foreign Affairs Committee in order to give the President an opportunity to try to work out the problem through negotiations with the Government of Turkey. Introducing this resolution, the Committee report stated:

> The Committee is of the opinion that action to immediately terminate all assistance to Turkey, our NATO ally, could be counter-productive in terms of the objectives being sought by the sponsors of the resolution, the Congress and the Government of the United States.
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> For this reason, the resolution, as reported, gives the President an opportunity to try to work out suitable arrangements with the Government of

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[113] Cong. Rec., July 17, 1974, p. 23640.

[114] Cong. Rec., Aug. 5, 1974, p. 26803; Cong. Rec., Aug. 12, 1974, p. 27686.

> Turkey, including effective control procedures, to preclude a new supply of opium reaching illegal narcotics markets.[115]

Even after the second Turkish military operation in Cyprus, during Congressional debate over the suspension of the military aid embargo in exchange for Turkish concessions in Cyprus, the resumption of opium poppy cultivation remained an important, auxilary factor to members of Congress, some of who wished to impose the embargo as a means of punishing the Turks for again allowing the poppy to be grown. For example, on September 24, 1974, during the discussions concerning the continuing appropriations for fiscal year 1975, Representative Anderson said:

> I find it appalling that we should continue to provide foreign aid to any nation which employs weapons and supplies that are indirectly financed by the United States to build up NATO forces against any nation which NATO is intended to protect.
>
> Furthermore, I find it self-defeating to provide assistance to any country which openly advocates the cultivation of opium poppies that wind up as deadly drugs inflicting our own youth.[116]

In July 1975, after the Turkish arms embargo, resulting from the Cyprus crisis, had been in effect for five months, most members of the House who voted against the repeal of the military aid ban were still pointing out the resumed poppy cultivation in Turkey as a second reason for not ending the embargo.[117]

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[115] Cong. Rec., Aug. 5, 1974, p. 26806.

[116] Cong. Rec., Sept. 24, 1974, p. 32429.

[117] Cong. Rec., July 22, 1975, p. 24157.

Realizing that many of the votes against lifting the embargo on military assistance to Turkey were based on the drug issue, President Ford, in a letter to Representative Rangel stated that he considered this high priority issue and that all nations should be advised that he considered such trafficking a threat to United States national security. He wrote:

> It has come to my attention that many of the votes against the bill to lift the embargo on military assistance to Turkey were based on a misunderstanding of the policies of my Administration regarding the threat to this country posed by foreign producers and exporters of opium.
>
> I want you to know that I have had a thorough conversation on the opium situation with Prime Minister Demirel of Turkey earlier this week. I explained to him the high priority which I place on this problem. I know that you will be pleased as I was to hear how strongly the Prime Minister believes in the most effective controls on the production of opium poppies.[118]

In mid-September 1975, two weeks before the partial lifting of the Turkish aid ban, letters, press releases issued by the United Nations Information Office in Turkey, and newspaper articles describing the Turkish opium control program were brought to the attention of members of Congress. In his letter to Senator Garn, a United States military attache stationed in Turkey wrote that under the new control system and as a result of the implementation of the "straw process," a method which completely bypassed

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[118] Cong. Rec., Sept. 3, 1975, p. 27475.

the production of gum opium by incision, the chances of opium diversion into illicit hands were practically non-existant.[119] The new program was monitored by the Turkish Government and by the United Nations Fund for Drug Abuse Control. Poppy straw was bought directly from the farmers and taken to factories to be converted into legal medicinal opiates. According to the attache, the new system seemed to represent a vast improvement over earlier methods and should to a large degree shut off the supply of raw opium gum and morphine base, which had been being smuggled out of Turkey for illicit use. He also added that there was a "Turkish side of the story regarding both the poppy issue and Cyprus which, unfortunately, has not up to now been well presented."[120] Accordingly, Dr. Sten Martens, Acting Executive Director of the United Nations Fund For Drug Abuse Control and Director of the Division of Narcotic Drugs, visited Turkey from the first to the eight of July 1975 at the invitation of the Turkish Government. The purpose of the visit was to examine and exchange information regarding the results of the cooperation between the Turkish Government and the United Nations.[121] After the visit, the United Nations Narcotic Mission to Turkey reported that they were "well impressed" by the attitude of the poppy farmers and by the "efficient" working of the control system established by the Turkish authorities.

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[119] Cong. Rec., Sept. 19, 1975, pp. 29502-29503.

[120] Cong. Rec., Sept.19, 1975, p. 29503.

[121] Press Release, United Nations Information Office in Turkey, No. 75/8/E, July 25, 1975.

The Regional Representative of the United States Drug Enforcement Administration, Francis L. Briggs said that opium and morphine base in Turkey were not available anymore. Moreover, another American expert, Stan Samuelson, who was an agriculture specialist working for the Agency for International Development, stated that he had driven 12,000 miles through the poppy-growing regions in the summer of 1975 and had not seen any violations.[122] Also, the 1977 United Nations Special Report confirmed the success of the Turkish Government's efforts to eliminate unauthorized production of opium.[123]

The Kissinger factor. The last factor that contributed to the strong congressional support for an arms embargo on Turkey was the general antipathy of Congress towards the administration, as well as hostility and displeasure with the strategies and policies of Secretary of State Henry Kissinger. In addition to the domestic, economic, and political crises the role of the Nixon administration and Secretary Kissinger was diminished due to the disillusionment with the policies of detente, strong indications of covert United States complicity in the downfall of the popularly elected coalition government of

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[122]Dusko Doder, "Turks Chant 'Poppy is Our Blood': Turkish Government Controls Trade in Opium-This Year" Washington Post, 21 Sept. 1975, Sec. A., p. 14, col. 3.

[123]U. N. Fund For Drug Abuse Control 1977 Special Report Information Letter, U. N. Division of Narcotic Drugs, October-November, 1977, p. 4.

socialist Salvador Allende in Chile and the United States relationship with the Greek military junta. Foreign policy liberals in Congress, including some prominent Greek-Americans, had been consistently attacking the Greek junta and American policies toward it. According to them, Secretary Kissinger dealt most successfully with autocratic governments. Furthermore, several members of Congress by late 1974 strongly opposed the policies and especially the political style of Secretary Kissinger, which largely depended on private diplomacy. After the resignation of President Nixon in August 1974, Congress's attitude toward Kissinger's handling of United States foreign policy became considerably critical; and aspects of Kissinger's personality and diplomatic style, his inclination to secrecy, and his insistence on keeping the decision-making power in the domain of the executive branch resulted in growing congressional criticism.

During the Cyprus crisis, Secretary Kissiner's diplomatic initiatives were judged to be ineffective. Representative Kyros expressed his disappointment in the House:

> I regret to say that our Department of State has been too involved in behind-the-scene negotiations, when more direct action is vitally needed.[124]

Secretary Kissinger was also accused of following an "even-handed" approach dealing with Turkey and Greece, in addition to persuing a policy of "tilting" toward Turkey. Most members of Congress attributed a grave responsibility to the State Department for its

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[124] Cong. Rec., Aug. 8, 1974, p. 27556.

failure to take timely diplomatic initiatives to prevent the crisis. Secretary Kissinger was blamed for not intervening with the Greek junta to prevent the overthrow of Archbishop Makarios and for not using influence to discourage the Turkish "military venture" into Cyprus. During a meeting between Secretary Kissinger and a delegation of Greek-American Congressmen, on August 15, 1974, Representative Brademas said that they were not assigning responsibility for the failure of United States policy in Greece and Cyprus to President Ford, who had taken office a few days before, but that they "were placing the blame squarely on him."[125] Also, Secretary Kissinger and the executive branch, tainted by the Watergate scandal, were accused of ignoring the dictates of American law and placing themselves above it. In short, the embargo decision was a result of congressional reaction to reassert its prerogative in the area of foreign affairs, reflecting a general hostility to the executive branch and particularly to Secretary Kissinger's oft-repeated objections to congressional intrusion into his domain.

Although there is no single factor that can be isolated as being of preeminent importance in implementing and maintaining the ban on military sales and assistance to Turkey, the four above-discussed factors, working in conjunction, perpetuated the embargo for almost four years. Though most of the factors bearing on the congressional action were largely extraneous to the Cyprus crisis, they nevertheless significantly affected the decision-making process.

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[125] Cong. Rec., Sept. 24, 1975, p. 32426.

These factors can be divided into three basic categories, according to their spatial and temporal relation to the situation: indirect, predisposing factors, such as the domestic, political milleu; specific, predisposing factors, such as the opium issue and the genarally negative public image of Turkey; and direct, reactive factors, such as the Greek lobby. Combined they resulted in the embargo. The timing of the Turkish peace operation crucially enhanced the effectiveness of the Greek lobby, due to coincidental events, unconnected to the Cyprus crisis--the post-Vietnam, executive-legislative struggle over power in foreign affairs, the Watergate era crisis of confidence in executive leadership, and Turkey's lifting of its ban on opium poppy cultivation. In short, the convergence of these events stimulated Congressional involvement in this foreign policy issue. The next section will trace the path of congressional legislation on the embargo issue.

B. THE CONTINUING DEBATE IN CONGRESS

Congressional action on the Cyprus conflict, specifically action concerning a ban on military aid to Turkey, followed a lengthy and labyrinthine path. This section will consider the process of Congressional legislation on the issue and will present the lines of argumentation advanced by the competing sides of the policy debate. The process through which the embargo was enacted and ultimately repealed will be examined chronologically with particular attention paid to the prime actors and to the diverse issues involved.

Two main periods of Congressional activity may be distinguished: first, that which occurred prior to the suspension of aid on February 5, 1975; and second, that which transpired between the initial embargo and the decision for the partial lifting of the embargo, on October 2, 1975. There were some interesting, although minor, differences in the argumentation of the two sides during each of these periods.

Congressional initiatives started with proposals for simple resolutions, which by and large did not depend on the legal issue. On August 2, 1974, Representatives Brademas, Bafalis, Kyros, Sarbanes and Yatron, Greek-Americans all, introduced House Concurrent Resolution 577, which called for an immediate withdrawal of all foreign troops from Cyprus, the restoration of peace by the United Nations in the area and the right of self-determination for the Cypriot people.[126] Similar resolutions were introduced several times with additional cosponsors. Meanwhile, the Cyprus Society of Greater Washington, with various sister Greek societies, called for the adoption of these resolutions by the House of Representatives.[127] On August 14, the Greek-American Congressmen pointed out the illegality of the use of American supplied military equipment, a violation of the NATO Charter and of bilateral Turkish-American agreements and called on the United States Government to exercise "stiff pressure on the Government of Turkey to cease its

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[126] Cong. Rec., Aug. 9, 1974, p. 27613.

[127] Cong. Rec., Aug. 8, 1974, p. 27556.

aggression in Cyprus."[128] On the same day, these representatives and others introduced House Resolution 1319, which called for a halt to all United States sales and assistance--economic, military or other--to Turkey until all Turkish Armed Forces were withdrawn from Cyprus.[129] In addition to resolutions concerning Cyprus, other resolutions calling for suspension of all assistance to Turkey were introduced relative to the Turkish government's decision to resume opium production.[130] According to the proponents of an aid ban, the United States--the principal ally and arms supplier of both Greece and Turkey--had the necessary leverage to influence Turkey, and suspension of aid was considered the "most effective way" and the only "real vehicle" for convincing the Turkish Government to abandon its policies. Thus, the first proposal to ban military aid to Turkey was made to Secretary Kissinger by a delegation of Greek-American congressmen in a State Department meeting on August 15, before the Turkish second peace operation had been completed.[131] In the meantime, the representatives of Ethnic Greek Societies in Greater New York and the Ad Hoc Committee

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[128] Cong. Rec., Aug. 14, 1974, pp. 28254, 28297.

[129] For more imformation about the resolutions calling for suspension of aid pending withdrawal of armed forces from Cyprus, see S.J. Res. 247, S. Con. Res. 111, S. Res. 386, 397; H. Con. Res. 558, 634; H. Res. 1319, 1320, 1327-1332, 1334, 1335, 1338, 1340, 1343-1345, 1357, 1358, 1369, 1374, 1377, 1383, 1384, 1386, 1389, 1391.

[130] Cong. Rec., Aug. 12, 1974, p. 27685 (Senate Concurrent Resolution 109).

[131] Stern, The Wrong Horse, pp. 140-141.

for a Free and Independent Cyprus appealed simultaneously to the United States representatives to support embargo resolutions before Congress and to the Secretary General of the United Nations to support full implementation of Security Council Resolution S/RES/353--which "demands an immediate end to foreign intervention in the Republic of Cyprus."[132] Although Secretary of Defense James R. Schlesinger, in an August 18 television interview, raised the possibility of an aid cut-off after the second Turkish operation, a State Department spokesman, John E. King, said that Mr. Schlesinger had expressed "his own views" only on the subject.[133] A ranking State Department official explained that Mr. Schlesinger had "very strong negative views about the former Greek military junta," feelings that were not shared on the highest levels of the State Department.[134]

On August 19, the delegates representing the more than 700 chapters of the Order of AHEPA and its auxilaries unanimously adopted a resolution at its 52nd Supreme Convention in Boston, condemning the "illegal invasion of Cyprus by Turkey" and urging suspension of all United States military and economic aid to Turkey.[135] By early September, Congress became involved in the

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[132] Cong. Rec., Aug. 16, 1974, pp. 28808-28809.

[133] NYT, 21 Aug. 1974, p. 5, col. 1.

[134] NYT, 21 Aug. 1974, p. 5, col. 2.

[135] Cong. Rec., Aug. 22, 1974, pp. 30102-30103.

legal issue, which was to become the central point of contention in a long struggle between Congress and the executive branch. A State Department "leak" to Senator Thomas Eagleton--which was discussed in the previous section--brought the question into open. On September 5, on the Senate floor, Senator Eagleton called on the President to make a determination that Turkey had violated existing United States law and that she was therefore ineligible for military grant assistance and sales.

On September 19, Senators Eagleton and Stevenson proposed an amendment to the Export-Import Bank Bill which favored an embargo on further military assistance to Turkey.[136] Senator Eagleton's intention was to demonstrate that the rule of law in the United States must prevail over the "policies of men" and that "the use of American military assistance is not subject to varying interpretations."[137] He accused the State Department of misleading President Ford into overlooking the legal requirement of stopping military aid to Turkey. According to him it was a "painful irony" in the post-Watergate era that "individuals at the highest levels of Government persist in trying to undercut the law in favor of their own perceptions of what is best for America and what is best for the world."[138] He censured the administration for its " defiance

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[136] Cong. Rec., Sept. 19, 1974, p. 31913.

[137] Cong. Rec., Sept. 19, 1974, p. 31913.

[138] Cong. Rec., Sept. 19, 1974, p. 31913.

of the law and its pereferential treatment of Turkey."[139] The proponents of the Amendment argued that the new Government of Greece was not responsible for the actions of the military junta in Cyprus and that the Turkish military operations on Cyprus were the result of the Administration's continued "even-handed" approach in dealing with the two NATO allies.[140] Furthermore, the supporters of the Amendment believed that the executive branch should comply with the law which already had been enacted by Congress. On the other hand, opponents of the enactment of Eagleton-Stevenson Amendment argued that NATO had already been weakened by the withdrawal of Greece and that therefore Turkey's withdrawal should not be provoked. They said that maintenance of American friendship with Turkey might be the only bargaining strength the United States had to help to establish peace in the area. The Eagleton Amendment (No. 1879) was agreed on, however, by a vote of 64 to 27.

On September 24, 1974, in the House, Representatives Rosenthal and Du Pont proposed an amendment to the further Continuing Appropriations Bill for the fiscal year 1975. It favored an embargo on United States military assistance and sales of defense articles and services to Turkey (whether for cash or by credit, guaranty or any other means) until the President certified to the

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[139] Cong. Rec., Sept. 19, 1974, p. 31913.

[140] Cong. Rec., Sept. 19, 1974, p. 31915.

Congress that substantial progress toward agreement had been made regarding military forces in Cyprus.[141] Opponents of the Rosenthal-Du Pont Amendment, including the Chairman of the House Committee on Appropriations, Representative Mahon, argued that it would not be proper to initiate new legislation or to write foreign policy on the floor of the House in a continuing resolution. They reminded the proponents of the Amendment that continuing resolutions had always been considered as more or less routine matters and that amendments could be offered on the proper legislative vehicle, such as a foreign aid authorization bill. Representative Mahon added that according to Secretary Kissinger the passage of such an amendment would be "very destructive" to the negotiations going on between the United States government and Turkey and Greece and that it would be "an ill advised move" for the Congress to take a position while progress was being made in reaching an agreement on Cyprus.[142] While the opponents of an aid ban argued that the best way to exert United States leverage on a negotiated settlement was to depend upon diplomacy and to give the Secretary of State the flexibility he needed by not "rocking the boat at this time," the defenders of an aid cut-off believed that the legal and moral thing to do was to carry out the law written by Congress. According to the Greek-American representatives, it was not appropriate to

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[141] Cong. Rec., Sept. 24, 1974, p. 32426.

[142] Cong. Rec., Sept. 24, 1974, pp. 32425-32426.

continue to provide aid to Turkey, and the State Department "should not and would not wish to be in a position of pursuing a policy which directly (violated) applicable provision of the law."[143]

Representative Cronin exclaimed at one point in the debate:

> . . . Turkey, who is supposedly our friend, has disobeyed our joint treaties on growing poppy and is continuing to poison the youth of our country in every major city with heroin.
>
> On the other hand, we have Greece. Greece has been one of the oldest and strongest allies this country has ever had.
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> . . . . . .
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> . . . there were Greek troops fighting with Americans on the shores of Tripoli. There were Greek troops with us in World War II. Greece has always been with us.
>
> . . . we have seen the nation of Turkey commit, for the second time in this country, genocide. The first time was when they completely annihilated the nation of Armenia. Now, they have come back in Cyprus, and we have seen genocide again against the Greek residents of that island.[144]

Representative Cederberg replied in kind:

> I regret very much that the gentleman tried to divide the friendship of the Greeks or the Turks as far as the United States is concerned.

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[143] Cong. Rec., Sept. 24, 1974, p. 32427.

[144] Cong. Rec., Sept. 24, 1974, p. 32433.

> I think they are both important to us, although I recognize that there are more Greeks in the United States. The gentleman should also remember that the Turks sent a division to fight alongside our troops in Korea during the Korean War.[145]

Despite urgent appeals from the President, the Speaker of the House, the Secretary of State and the minority leader not to proceed with emotional responses in dealing with foreign matters, the amendment sailed through by a vote of 307 to 90.

Secretary Kissinger and President Ford hurriedly called for a meeting with senior leaders of both parties in an effort to evade Congressional action. According to Secretary Kissinger, it would have been very difficult for the State Department to operate under the Rosenthal Amendment adopted by the House.[146] Senate Majority Leader Mike Mansfield and House Republican Leader John Rhodes agreed to introduce an amendment to the Rosenthal amendment which would suspend further military aid to Turkey "unless and until the President determines and certifies to the Congress that the Government of Turkey is making good faith efforts to achieve a negotiated settlement with respect to Cyprus."[147] This amendment indicated the White House position, which shifted toward trying to get modified language into the legislation already passed by the House in order to provide the President

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[145] Cong. Rec., Sept. 24, 1974, p. 32433.

[146] Cong. Rec., Sept. 30, 1974, p. 32909.

[147] Cong. Rec., Sept. 30, 1974, p. 32909.

adequate flexibility to work for a fair resolution of the crisis. The Senate Appropriations Committee adopted this amendment and presented it on the Senate floor on September 30, 1974, during the discussions of continuing appropriations for fiscal year 1975 (H. J. Res. 1131). Senator Eagleton, who was firmly allied with pro-embargo forces, strongly opposed the Committee Amendment and proposed a substitute amendment instead. According to him, to adopt the committee language would be "potentially the most dangerous delegation of authority by Congress in the post-Vietnam era."[148] The opponents of the Committee Amendment argued that the Eagleton Amendment--which, without naming Turkey, simply prohibited transportation of any military equipment or supplies to any country that used United States arms and aid in violation of United States laws--was necessary to reinforce both the role of law and Congress's lawmaking responsibility. Speaking against the Eagleton amendment, Mike Mansfield, the Senate Majority Leader, contended that it would not bring about Turkey's withdrawal from Cyprus and that it would undermine Secretary Kissinger's negotiating efforts. He went on:

> . . . If we adopt an amendment aimed directly and specifically at Turkey, what might be the result? For one thing, we might see a tilt on the part of Turkey toward the Soviet Union. They have a thousand mile frontier, and within that area they have nuclear warheads and United States installations-our warheads and our installations.

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[148] Cong. Rec., Sept. 30, 1974, p. 32920.

> Up to now, Turkey has maintained a hands-off attitude so far as the Middle East is concerned. But the Turks are a Moslem people. Perhaps there might be a tilt on the part of Turkey toward what we call the Middle East. Perhaps that will have a decided effect, too.[149]

However, supporters of the immediate aid ban argued that the language of the Committee amendment would allow the administration "to skirt" the direct "strictures" of the Foreign Assistance Act of 1961, and the Senate adopted by a 57 to 20 vote Eagleton's floor amendment. The next day, President Ford announced that if the Eagleton Amendment or one with similar language were to be adopted by the Congress, it would "destroy any hope for the success of the initiatives the United States has already taken or may take in the future to contribute to a just settlement of the Cyprus dispute." The President said:

> This view is shared by Secretary of State Kissinger, who is now in New York where he is making a major effort in his talks with Greek and Turkish representatives to bring about progress.
>
> . . . . . .
>
> It is my intention, therefore, to withhold my consent to any continuing resolution which reaches my desk containing language such as that found in the Eagleton Amendment.[150]

On October 1, Minority Leader Hugh Scott read the President's statement on the Senate floor and proposed to "recommit" the Continuing Appropriations Bill for the purpose of eliminating the

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[149] Cong. Rec., Sept. 30, 1974, p. 32945.

[150] Cong. Rec., Oct. 1, 1974, p. 33254.

Eagleton amendment. He then added with some sarcasm:

> . . . if this continuing resolution remains in this form, I personally see no reason why Secretary Kissinger should continue the negotiations since Congress, in making its own foreign policy, will have deprived the Secretary of the only tools with which he can negotiate, and unless the whole Congress wishes to move to New York to negotiate with Greece, Turkey and Cyprus, I fail to see how we are going to be able effectively to serve as mediators.[151]

Senator Eagleton replied in the same tone:

> The main thrust of the remarks of the Senator is that we feeble-minded 100 United States Senators should not have anything to say about the foreign policy of the United States. . . . by asserting ourselves in foreign policy, we are not intervening in the private life or the private preserve of Henry Kissinger.[152]

So the H. J. Resolution 1131 was passed (72-12), and Senator Scott's appeal to recommit the resolution was rejected (59-29). Meanwhile, an interesting observation, published by the New York Times, referring to the applicability of Senator Eagleton's amendment to Israel's attacks on her Arab neighbors or to Arab incursions into Israel,[153] became the central debate. Both Greek and Jewish Americans wanted to make sure that the Amendment was aimed solely at Turkey.

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[151] Cong. Rec., Oct. 1, 1974, p. 33265.

[152] Leslie H. Gelb, "Senate, 57 to 20, Votes to Cut Off U. S. Aid to Turks." New York Times, Late City, Ed., 1 Oct. 1974, Sec. L, p. 3, col. 1.

[153] Cong. Rec., Oct. 2, 1974, pp. 33467-33471.

The House (Rosenthal) and Senate (Eagleton) Amendments were somewhat different in form, although identical in intent and effect, so they had to be adjusted by a House-Senate conference committee. Since President Ford stated that neither the Eagleton nor the Rosenthal amendment was acceptable to the Administration, the Committee produced a compromise agreement: Aid to Turkey would not be suspended if the President were to certify that the Government of Turkey was making "good-faith efforts" to reach a "negotiated settlement" on Cyprus and was abiding by United States military assistance and sales laws.[154]

On October 7, Appropriations Chairman Mahon proposed a motion in the House which favored acceptance of the House-Senate conference committee amendment. Representative Rosenthal angrily accused the conferees of representing the executive branch instead of the members of both Houses and added that they have done "a serious disservice" not only to the House but to the Senate as well.[155] He characterized the conference committee compromise "as amounting to virtually a runaway conference" and blamed them for not abiding by the substantial vote of a majority of the members of both bodies.[156] Representative Mahon warned that a mandatory cut-off would "jeopardize the interests of the United States,"[157] and Foreign Operations Subcommittee Chairman Passman queried ". . . if

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[154] Cong. Rec., Oct. 7, 1974, p. 34148.

[155] Cong. Rec., Oct. 7, 1974, p. 34151.

[156] Cong. Rec., Oct. 7, 1974, p. 34152.

[157] Cong. Rec., Oct. 7, 1974, pp. 34158-34159.

we can not trust the President of the United States, who can we trust?"[158] But the House, by a vote of 291 to 69, rejected the compromise any way and insisted on a mandatory cut-off.

President Ford attacked the cut-off move already approved by the House, as "a misguided and extremely harmful measure."[159] The President said that a cut-off of arms to Turkey would not help Greece or the Greek-Cypriots" who have the most to gain from a compromise settlement" and called upon the Senate to accept the "original conference report language on Turkish arms aid and to return the bill to the House of Representatives once again."[160] In the meantime, Representatives Rosenthal, Brademas and Sarbanes met with Senator Eagleton in order to make their versions of the embargo bill conform so as to prevent another discrepency. The new Eagleton Amendment was presented to the Senate on October 9, as the McClellan motion. It agreed with the Rosenthal motion in the House, noting that "substantial progress" must be demonstrated by Turkey" regarding military forces in Cyprus."[161] In addition to this requirement, the President was required to certify to Congress that the Government of Turkey was in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such acts.[162] If these two conditions

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[158] Cong. Rec., Oct. 7, 1974, p. 34156.

[159] Cong. Rec., Oct. 9, 1974, p. 34621.

[160] Cong. Rec., Oct. 9, 1974, p. 34621.

[161] Cong. Rec., Oct. 9, 1974, pp. 34612-34614.

[162] Cong. Rec., Oct. 9, 1974, p. 34614.

were not met, all further military assistance and sales to Turkey would be suspended. Although the opponents of the McClellan motion advised their colleagues against "emotional responses" towards their "well-intentioned" Greek-American friends and asked them not to "wreck the chance" of Secretary Kissinger's success in achieving a just settlement of the Cyprus problem, the defenders stressed the "rule of law" and the need to obey the law and to re-assert congressional authority. The motion was passed (62-16).

The very same day, Majority Leader Mansfield presented a joint resolution (S. J. Res. 247) in the Senate which he prepared the day before without consulting any outside party--meaning the White House or the executive branch--in cooperation with the Republican leadership.[163] Senator Mansfield stated that his resolution was a "purely congressional initiative" and that the executive branch was only contacted upon Senator Eagleton's request to learn about their reaction.[164] Although the executive branch was against any policy of cutting off aid to Turkey and was not very happy about the resolution, the White House gave its consent anyway. The Mansfield resolution permitted the continuation of military assistance to Turkey until December 15, 1974, if the President determined that such implementation would help further peaceful negotiations.[165] This time the resolution was passed in

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[163] Cong. Rec., Oct. 9, 1974, p. 34673.

[164] Cong. Rec., Oct. 9, 1974, p. 34673.

[165] Cong. Rec., Oct. 9, 1974, p. 34678.

the Senate (40 to 35) but was defeated in the House (187-171). Representative Brademas characterized the joint resolution as "a last minute effort by the State Department and the White House" and added that members of the House are not "puppets on a string, to be manipulated at the whim of the Department of State."[166] The proponents of an immediate ban--although they knew that the resolution was conceived by Senator Mansfield without consulting anyone in the administration--refused to suspend application of the existing law even for sixty days in order to give the Secretary of State a chance to negotiate. At one point in the debate, Representative Madden delivered a philippic:

> When I was home a few weeks ago, I spoke with over 1000 of our Greek citizens in the Calumet region and they were unanimously against any further aid to the unspeakable, tyrannical, and murderous tactics of the Turkish aggressors. On this legislation I expect to follow the desires of my Greek constituents and many other citizens of the First Congressional District of Indiana in curtailing and abandoning any further aid to a nation which believes in aggression, mass murder, genocide, and enslavement of peaceful neighbors.[167]

Representative Zablocki responded with cool reason:

> We in the House have made similar decisions in the past. We have allowed our former President 45 days to put an end to the bombing of Cambodia. When in 1967, Israel invaded the territory of Egypt and

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[166] Cong. Rec., Oct. 11, 1974, p. 35417.

[167] Cong. Rec., Oct. 11, 1974, p. 35420.

> Jordan, and when the United Nations passed resolutions demanding withdrawal of Israeli forces from those occupied lands, we did not cut off our military sales or other relations with Israel; we continued to provide Israel with military assistance necessary to sustain their existence. . . . We have taken those actions in its wisdom the Congress decided that particular course of action would serve the ultimate purpose of law, peace, and justice. That is the issue before us today.[168]

Although the leadership of both parties did their best to prevent the vote, the pro-embargo forces gained the upper hand in the House of Representatives, with the result that the Mansfield compromise was rejected and the Continuing Appropriations Bill was passed.

On October 14, President Ford vetoed the funding bill, and the House failed to override the veto. So the battle between the White House and Capitol Hill continued. Two days later, despite urgent appeals from the opponents of an embargo to prevent the continuing resolution from becoming a vehicle for determining foreign policy and to stop the exercising of ethnic politics in foreign affairs, the House attached a similar cut-off to a new funding bill. The next day, President Ford vetoed the Bill for the second time. It then become possible that the operation of several departments and agencies and the continuation of United States foreign aid programs would cease temporarily for lack of funds. In his veto message, President Ford pointed out that "should this

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[168] Cong. Rec., Oct. 11, 1974, pp. 35420-35421.

measure become law, the United States would have lost the ability to play a useful role in this dispute and would in effect have to withdraw from the negotiations."[169] He also pointed out that Congress would have to assume "full responsibility for the situation which would then prevail."[170] A third Continuing Resolution was rushed through both Houses later that day. The new resolution included substantially what is known as the Rosenthal amendment. It permitted continuation of military aid to Turkey until December 10, 1974, only if, during that time, Turkey observed the cease-fire and neither increased its forces on Cyprus nor transferred United States military equipment there.[171] The President was called, and the language of the new Resolution was read to him. Although he opposed the compromise language on the grounds that it prohibited transfers and could be interpreted as "an intrusion into internal affairs" of Turkey, President Ford stated that he would not veto the bill so that the business of Government could continue.[172] Finally, the President signed the Bill but with displeasure. Senator Eagleton, in a Senate speech of October 17, noted that "Congress has won a very significant victory." He went on:

> . . . I would like to reiterate that this unfortunate confrontation with the Executive has ended with a very significant

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[169] Cong. Rec., Oct. 17, 1974, p. 36018.

[170] Cong. Rec., Oct. 17, 1974, p. 36018.

[171] Cong. Rec., Oct. 17, 1974, p. 36021.

[172] Cong. Rec., Oct. 17, 1974, p. 36021.

> accomplishment. It is not only an accomplishment of the Congress of the United States, it is an accomplishment for our system of government.
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> . . . . . .
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> The result of our action today is that from now on, the United States policy in the Cyprus matter will no longer be tilted toward Turkey. I am hopeful that in the period between now and December 10, our diplomats will be able to influence the parties to this tragic affair to negotiate.[173]

On December 4, with the introduction of the Foreign Aid Bill in the Senate, the defenders of an immediate cut-off once again emphasized the laws concerning United States military aid and wanted to write the Eagleton Amendment into permanent law. On the other hand, Senator Humphrey, who was one of the opponents of an immediate ban, stated that for United States National Security interests, it would be preferable for the White House to extend the cut-off date from December 10 to a later date.[174] He argued that due to the Turkish governmental crisis, the Secretary of State had the problem of trying to find a stable government in Turkey with which he could negotiate. Senator Humphrey had become convinced that a little more time was needed for a "satisfactory settlement" to the problem. By a vote of 55 to 36, at the urgent pleading of Senator Humphrey, the Senate agreed to delay the cut-off day to mid-February. The House, however, favored the Rosenthal-

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[173] Cong. Rec., Oct. 17, 1974, p. 36103.

[174] Cong. Rec., Dec. 4, 1974, p. 38081.

Du Pont amendment to foreign aid authorization, which called for the immediate withdrawal of United States military aid to Turkey (297-98). On December 10, 1974, officials of the Department of State announced that the provisions of the continuing resolution would be fully and completely implemented and that military aid to Turkey would be suspended. But since the Senate and House versions of the foreign aid bill took opposite positions on delaying the cut-off, the bill had to be reconciled by a conference committee. A compromise was worked out that allowed continued military aid to Turkey until February 5, 1975, if Turkey were to abide by the cease-fire agreement and were not to send any more troops and equipment to Cyprus. Again, President Ford signed the foreign aid authorization bill but with objections. As the proponents of the embargo, particularly the Greek lobby, desired, the cut-off language of the Rosenthal-Eagleton Amendment became a permanent law. The Greek lobby had succeeded.

In a speech in Los Angeles on January 24, about a week before the congressional action to cut-off aid, Secretary Kissinger said:

> Whether foreign aid should be used as an instrument of pressure depends on the way foreign aid is conceived. The Administration is convinced that foreign aid to be viable must serve American national interests above all, including the broad interest we have in a stable world. If an important American interest is served by the aid relationship, it is a wise investment; if not, our resources are being squandered, even if we have no specific grievance against the recipient. For moral and practical reasons, we must recognize

> that a challenge to the recipient's sovereignity tends to generate reactions that far transcend the merit of most of the issues in dispute.[175]

No doubt members of Congress who believed in using foreign aid as a device for pressuring recipient nations into acting the way the United States desired, had views different from those of Secretary Kissinger.

Throughout the intense struggle between the executive and legislative branches in the handling of Cyprus crisis, Senators Eagleton and Stevenson and Representatives Sarbanes, Brademas, Yatron and Rosenthal had argued that laws must govern United States relations with Turkey. Secretary Kissinger, on the other hand, pleaded the case for diplomatic flexibility. Two presidential vetoes and four congressional bills later, a compromise was reached which produced negative effects. The Greeks, knowing that the embargo would go into effect in a short period of time, saw no reason to hurry into a negotiated settlement. On the other hand, the Turks were alienated due to the humiliating public pressure of having a limited time period in which to negotiate. One week before the February cut-off deadline, Turkish Defense Minister Ilhami Sancar announced the unilateral withdrawal of a 1,000 Turkish soldiers from Cyprus. By the end of January, as a result of Secretary Kissinger's efforts, negotiations between Turkish and Greek Cypriot leaders had resumed in Geneva. Secretary

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[175] Cong. Rec., May 19, 1975, p. 14986.

Kissinger met with Senator Eagleton and Representatives Brademas, Sarbanes and Rosenthal to report "some progress." However, the Senator and Representatives were convinced that the "substantial progress" necessary to suspend the aid cut-off had not been achieved. So, as of February 5, 1975 the embargo went into effect.

Two weeks before the cut-off was to go into effect, the Turkish government announced that it would impose sanctions against the American bases if the embargo were enacted. On February 4, one day before the aid ban was due to take effect, the Turkish government declared that the embargo would require it to review its NATO obligations and agreements with the United States. Two weeks after the ban, the Turkish government informed NATO Headquarters that its forces would not participate in winter maneuvers. In sum, under the pressure of the embargo, Turkey not only refused to make any concessions over Cyprus but also hardened its position and started to review its ties with the United States.

Once the aid ban went into effect, the President and the Secretary of State undertook a campaign to change the position of the members of the House of Representatives. Their argumentation followed two basic lines: It stressed the great importance of Turkish bases for the United States defense position, and it pointed at an increase in Turkish rigidity on the Cyprus issue related to the embargo. Speaking before the Senate Foreign Relations Committee in February, Secretary Kissinger reiterated the factors that seriously threatened the United States position and interests

in the Eastern Mediterranean due to the Congressional action. In response, on March 26, 1975, the Committee voted out a special motion (S. 846) to pass a bill removing the specified cut-off date from the related provisions and authorizing the President to restore aid to Turkey if he determined that doing so would contribute to negotiations for a peaceful solution and if Turkey continued to observe the cease-fire and did not increase its military forces in Cyprus. The bill also required the President to submit to Congress at the end of every thirty day period after its enactment, a report on progress toward achieving a negotiated settlement to the Cyprus conflict.[176] Due to the Easter recess, however, the bill was not introduced to the Senate until April, and it did not pass until May 19, 1975 (41-40).

In the meantime, Representatives Helstoski and Tip O'Neill introduced a joint resolution commemorating Turkey's "massacre" of the Armenians in 1915. The resolution was to designate April 24, 1975 a "National Day of Remembrance of Man's Inhumanity to Man" on the sixtieth anniversary of the so-called "massacre."[177] The motion commemorated "all the victims of genocide, especially those of Armenian ancestry, who succumbed to the genocide perpetrated in Turkey in 1915, and in whose memory this day is commemorated by all Americans and their friends throughout the world." By this move, in addition to the imposition of an arms embargo on a NATO ally,

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[176] Cong. Rec., May 13, 1975, p. 3945.

[177] Cong. Rec., April 8, 1975, p. 9244.

certain members of Congress were condemning Turkey for an event, the facts of which have never been determined and which occurred during the pre-Republic, Ottoman period, before most Americans and most Turks were born. The resolution was adopted in the House on April 8, 1975, by a vote of 332 to 55, though the words "in Turkey" were eliminated upon the request of the State Department. The resolution was not voted on by the Senate, when it was reported that the State Department, worried about the "delicate negotiations" with Turkey and Greece over Cyprus, strongly opposed the measure.[178] Armenian lobbyists were at work too, in opposition to Turkey throughout the embargo debate.

The Senate bill (S. 846) was not presented to the House until mid-July and then only after some compromises had been worked out by the House Committee on International Relations between the President and the Secretary of State, who wanted a total and immediate removal of the arms embargo, and the proponents of the arms ban in Congress, who were against the removal without prior Turkish concessions. Meanwhile Turkish Foreign Minister Ihsan Sabri Caglayangil announced that, effective July 17, all United States military and intelligence-gathering facilities in Turkey would be placed on "provisional status" and that most would have to cease operating. The next week, the administration indulged in intensive lobbying efforts on Capitol Hill, and President Ford met personally with

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[178] Cong. Rec., April 24, 1975, p. 11833.

Representatives Brademas and Sarbanes and other members of the House to "persuade them to relax" the embargo.[179] Even Defense Secretary Schlesinger, who had earlier implied that he was in favor of a "tougher line" against Turkey testified that the loss of intelligence stations in Turkey would impair United States security interests.

The compromise bill (H. R. 8454) came to the House floor on July 24. The bill would only partly lift the embargo on United States arms shipments to Turkey by permitting the delivery of defense purchases made by Turkey before February 5, 1975, the date that the embargo had gone into effect; the defense articles covered by the bill were those that had been bought and paid for but had not yet been delivered by the United States.[180] The bill also authorized the President to issue licenses for exporting military equipment to Turkey through private and commercial sales, only if Turkey observed the cease-fire, did not increase its forces on Cyprus and did not transfer to Cyprus any United States supplied military equipment.[181] The bill requested that the President begin negotiations with the Greek Government about that country's most urgent needs for both military and economic assistance. Also, the President was directed to report on his recommendations on aid to Greece within sixty days of the enactment of the bill. Furthermore, the President was called

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[179] Stern, The Wrong Horse, p. 155.

[180] Cong. Rec., July 24, 1975, p. 24514.

[181] Cong. Rec., July 24, 1975, p. 24514.

on to encourage and cooperate in the development of additional humanitarian relief programs for the refugees in Cyprus. Finally, the President was required to report at the end of every sixty day period on progress toward a negotiated settlement of the Cyprus dispute.

The defenders of the aid ban gave several reasons for their disapproval of the new bill: First, they said that this bill, which had been described as a compromise, was not a compromise since Turkey was not required to do anything to correct its actions in Cyprus in exchange for a resumption of arms sales. Second, the resumption of sending arms to Turkey without action by Turkey to remedy its aggression on Cyprus represented an abandonment of a fundamental principle of American policy--that weapons are supplied by the United States to other countries for defensive and not for aggressive purposes. Third, by restoring arms sales to Turkey, the United States would be condoning the continued violation of law and bilateral agreements. Fourth, approval of arms sales to Turkey would encourage further Turkish aggression against Cyprus and Greece. Fifth, resumption of arms sales to Turkey could severely damage and threaten the democracy in Greece. Sixth, approval of the legislation could endanger both United States bases in Greece and Greece's revived role in NATO. Seventh, passage of the legislation would encourage other nations to misuse United States arms. Eighth, resuming arms sales to Turkey would be yielding to Turkish blackmail, its threat of shutting down United States bases on its soil, and would be invitation to similar threats to United States bases by other countries

which had United States bases. Ninth, the arms embargo had not produced progress on Cyprus only because it had been undermined publicly and privately by the Department of State. Rather than pressing for Turkish concessions, the Ford administration repeatedly had blamed Congress. Tenth, the passage of this bill could jeopardize the new role of Congress in foreign affairs. Eleventh, the Turkish military was hurting, so if the arms sales were not resumed Turkey would be forced to make concessions. And finally, the resumption of arms sales to Turkey could prevent Turkish concessions and compromise on this issue or other issues like the growing of opium poppies.

The opponents of the aid ban countered by stressing other factors. They said that the embargo, which was imposed at the insistence of the Congress, had not brought a solution to the problem and that the continued punishment had not only been counter-productive but had also made it apparent that the Turks were not prepared to make concessions under pressure. According to the opponents, a continuation of the embargo would inevitably weaken United States security ties to Turkey, restrict United States strategic presence in the Mediterranean and contribute to a deterioration of the **South**-eastern flank of NATO. They also referred to the legal arguments advanced by Turkey in regards to the application of the 1960 Treaty of Guarantee, without however, wholly adopting it or approving the Turkish position. They only noted that whatever its position with respect to American law, Turkey felt it was acting according to international law and its international legal obligations to protect

the Turkish-Cypriot minority and the independence of Cyprus when the Greek Government engineered a coup in Cyprus. Several other arguments which were used in support of the S. 846 are: that United States law should not be selectively enforced since several other similar agreements had been violated by other friendly states; that pressure on Turkey had hardened its position and the ban had forced the Turks to buy arms from other nations whose interests may not have been harmonious with those of the United States; that the ban had reduced the United States's ability to work with and influence Turkey on Cyprus and on other issues; that the Turks were currently harvesting their opium crop under a system of controls sponsored by the United Nations; that Turkey should be given the opportunity to demonstrate its good faith on this issue; that a favorable vote on this bill would allow the President to speak with authority and to act in the day-to-day handling of foreign affairs without undue restrictions. And finally, the proponents of the S. 846 pointed out that a favorable vote on this bill would not strip Congress of its prerogatives in respect to future military shipments to Turkey.

Efforts to lift the ban partially by a compromise bill, S. 846, were defeated in the House by a vote of 223 to 206 on July 24, 1975. Thus, Turkey was denied the military articles that she had already paid for and on which she was paying the costs of storage in the United States. President Ford was "deeply disappointed" and warned that the refusal of the House to lift the embargo on arms

sales to Turkey "(could) only do the most serious and irreparable damage to the vital national security interests of the United States."[182] To Representative Brademas, however, the result was "a great victory for law and the fundamental principles of American foreign policy."[183]

The next day, the Turkish Government declared that bilateral defense treaties with the United States were "no longer valid" and that activities on twenty American bases in Turkey would be halted--except at a major NATO installation, Incirlik airbase--and that the installations would be placed under the control of the Turkish Armed Forces. The action in the House which caused the closure of bases in Turkey was characterized in the Senate as "the most unfortunate decision made in Congress" under the influence of domestic politics without regard for the United States national interest, and it was said to be damaging to the security of both Israel and Greece.

So the conflict continued. In addition to the Cyprus issue, a new international crisis that centered on Turkey's importance to the United States security interests and the NATO arose. Administration efforts to reverse the House decision started immediately. On July 31, the Senate approved, again by a one vote majority (47 to 46), a new bill identical to the one rejected by the

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[182]Bernard Gwertzman, "House Refuses Arms To Turkey, Rebuffing Ford," New York Times, Late City Ed., 25 July 1975, p. 1, col.1.

[183]Gwertzman, p. 2, col. 3.

House. But the House delayed consideration of the bill until September due to the opposition of the Rules Committee Chairman and some representatives to a debate on the issue before adjournment for the summer.

Debate on the new bill started again in the fall. During this second phase of congressional debate, several of the aid ban's opponents began by admitting the illegality of aid after the second Turkish action and then proceeded to make national security arguments. The press reported on the arms embargo at some length and analyzed the impact of the embargo on Turkey and on its relations with the United States and NATO. The Air Force Association, the American Legion, and the Veterans of Foreign Wars of the United States passed resolutions stressing the essentiality of the United States military and intelligence bases in Turkey for NATO and for verification of present and future arms limitation accords. They urged the Congress to reverse its stand on the arms embargo. On the other hand, the opponents of the embargo once again argued that the House of Representatives should stick with principle and uphold the law. Some of the opponents of the Ford-Kissinger approach who were more sympathetic to the Greek position insisted that the United States should resist submission to Turkish "blackmail" and that Turkey was simply of little military value to the United States without Greece. They also argued that although the bill did not provide grant assistance to Turkey, the President might use his waiver authority under section 614(a) of the Foreign Assistance Act to give up to $50 million

in grant military assistance to Turkey by determining that "such authorization was important to the security of the United States."[184] So, the defenders of the embargo tried to attach an amendment to the compromise bill which would allow partial lifting of the ban only if the President were to determine and to certify to the Congress that significant progress had been made with respect to the refugee problem in Cyprus.[185] Furthermore, another amendment was offered by Representative Rangel, which requested that the President "initiate discussions with the Government of Turkey concerning effective means of preventing the diversion of opium poppy into illicit channels."[186] His amendment, however, was overruled since it contained language that was not "germane" to the bill under discussion. In spite of strong opposition from the Greek-American representatives, the retaliatory action of Turkey in closing most of the American installations was sufficient to erode previous majorities in the House. As a result, on October 2, 1975, following a long debate, the compromise bill was approved by the House (237-176), and the embargo was partially lifted.

On March 26, 1976, in the closing months of his term, President Ford signed a new defense treaty with Turkey. The new joint defense agreement called for $1 billion in grants and aid over a four-year period and also provided for the reopening of the American

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[184] 22 U.S.C.A. sec. 2364 (a) (1975 Suppl.).

[185] Cong. Rec., Oct. 2, 1975, p. 31480.

[186] Cong. Rec., Oct. 2, 1975, p. 31492.

bases closed down by Turkey after the embargo had been adopted. At the time the Turkish treaty was signed, a similar aid program was being negotiated with Greece. The Greek Government, however, suspended the negotiations for a while in reaction to the new defense agreement between the United States and Turkey, arguing that pressure on Turkey to make concessions on Cyprus had ceased. The sending of the defense agreement to Congress was delayed due to the renewed pro-embargo coalition on Capitol Hill. A short while after the agreement on the new defense treaty, Eugene T. Rossides testified before the House Committee on International Relations. He characterized the joint agreement as a "blackmail aggression pact," which violated the statutory embargo restrictions and Congress's constitutional legislative role. He also stated that the new treaty undermined Congress's constitutional partnership in foreign affairs and insulted Congress. According to him, Turkey was an "unreliable and unfaithful" ally which was of minor importance to the defense of the United States and to the defense of the other NATO nations.[187] He urged the overwhelming defeat of the Executive Agreement. To prevent the renewal of the executive-congressional battle, President Ford waited until June 16 to send the agreement to Congress for approval. He asked Congress to give favorable consideration to the agreement and the accompanying draft legislation and to appropriate the funds necessary for its execution.[188] However, no immediate

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[187] Cong. Rec., April 9, 1976, pp. 10406-10407.

[188] Cong. Rec., June 16, 1976, p. 18701.

action was taken by Congress since the Greek-American Congressmen and their sympathizers insisted in delaying until the two defense treaties for Greece and Turkey could receive simultaneous consideration by Congress and until prospects for a peaceful settlement of Greek-Turkish differences on Cyprus and in the Aegean were improved.[189] So time ran out on President Ford and Secretary Kissinger.

On September 16, 1976, Governor Jimmy Carter, as a candidate for the presidency of the United States made the following statement about the conduct of American policy toward Turkey under the Ford-Kissinger administration:

> The policy of the Ford Administration of tilting away from Greece and Cyprus has proved a disaster for NATO and for American security interests in the Eastern Mediterranean.
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> . . . . . .
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> . . . The administration failed to uphold either principle or the rule of law in the conduct of our foreign policy. American law requires that arms supplied by the United States be used solely for defensive purposes.[190]

In Detroit on May 12, 1976, Governor Carter referred to the joint defense agreement which the Ford Administration negotiated with Turkey and said:

> I feel most distressed that Mr. Kissinger's recent agreement with the Turkish government was not coupled with an agreement which promised

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[189] Cong. Rec., Sept. 15, 1976, p. 30543. Meanwhile, a new controversy aroused between Turkey and Greece over oil exploration activities in the Aegean Sea.

[190] Cong. Rec., Sept. 20, 1976, p. 31388.

> more rapid progress toward a just solution for the Cyprus tragedy. In my judgement, we would be negligent of the moral issues and courting longer-range disaster if we fail to couple the improvement in relations with Turkey with increased fair progress on the Cyprus issue . . . .[191]

Jimmy Carter pledged on several occasions during his presidential campaign that resumption of normal military relations with Turkey would be linked with a settlement of the Cyprus problem. So, the Greeks placed their fate on a new Carter Administration in Washington. When Jimmy Carter was elected President, a school holiday was declared by Greek-Cypriots.[192] In the meantime, the policy of using the embargo as a tool to achieve a settlement of the Cyprus issue and to induce Turkish concessions on the island had failed. The arms embargo had contributed to a deterioration of Turkish military capabilities, it had raised concern about Turkey's future role in NATO, and it had put a significant strain on United States-Turkish relations. Turkey resented the linkage of United States arms supplies to its policy on Cyprus and improved its relations with the Soviet Union--signing a new trade pact to buy Soviet civil aircraft--and its Arab neighbors. The Turkish government argued that the Greek side was not likely to agree to negotiate so long as they had the hope that the embargo would force Turkey to make additional concessions. So President Carter decided to ask Congress for an

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[191] Cong. Rec., April 5, 1978, p. 8876.

[192] Stern, The Wrong Horse, p. 156.

end to the embargo as well as passage of a revised bases agreement, which has never passed the Congress.

In April, 1978, two years after his presidential campaign promises to Greek-Americans, President Carter shifted his policy and called upon the Congress to lift the partial ban on American arms shipments to Turkey. The Congressional Greek lobby started to prepare a battle with the Carter Administration over its request for a repeal of the embargo. By now, the press was in support of ending the "ill-advised" and "counter-productive" congressional move.[193] Furthermore, the Supreme Allied Commander in Europe, General Alexander Haig, reported that the Turkish Armed Forces had had its effectiveness diminished by 80 to 90 percent due to the arms embargo, and five former NATO Commanders sent a letter to Congress strongly supporting the lifting of the ban on arms for Turkey. According to them, "should Turkey, as a result of embargo, turn away" from the United States and "reduce or terminate its commitment to NATO, the whole of Southeastern Europe and the Middle East would become more vulnerable to Soviet military pressure."[194] They added that:

> Turkey is vitally important to our western collective security in that it (1) controls the passage of Soviet war vessels from the Black Sea to the Mediterranean; (2) houses large numbers of strategically important United States and NATO

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[193] "Arms: Time to Talk Turkey," Los Angeles Times, 5 April 1978; "Ending the Turkish Arms Ban," Washington Star, 5 April 1978; "Realism on Arms for Turkey," Christian Science Monitor, 3 April 1978; "Turkey and Congress" Baltimore Sun, 5 April 1978, as quoted in Cong. Rec., April 19, 1978, pp. 10851-10852.

[194] Cong. Rec., June 12, 1978, p. 17232.

> facilities some of which are uniquely situated for collecting intelligence on Soviet military activities; (3) provides an air defense warning critical to the operation of our sixth Fleet in the Mediterranean; and (4) provide a major contribution of army forces to NATO.[195]

The proponents of the lifting of the embargo also stressed the importance and necessity of a strong Turkey for the security of Greece.

The Congress had been under pressure from Greek sympathizers every time the question of lifting the embargo had arisen. Once again, the pro-embargo forces sought to mobilize support for the Greek position. Senators Eagleton and Sarbanes and Representatives Brademas, Rosenthal and Biaggi held a news conference at which they set forth their position on ending the Turkish arms embargo. They argued that if a repeal of the embargo were passed, it would undermine the rule of law in the execution of American foreign policy, that it would make the achievement of a Cyprus settlement far more difficult and that it would drastically increase anti-American sentiment in Greece. They also stated that the complete resumption of United States arms sales to Turkey, without any "substantive progress" toward a settlement on Cyprus, would mean that President Carter had "turned his back on promises made to the American people and to their representatives in Congress both during his campaign for the Presidency and after taking office."[196]

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[195] Cong. Rec., June 12, 1978, p. 17232.

[196] Cong. Rec., April 5, 1978, p. 8875.

At a meeting in Detroit, representatives of the Greek Orthodox Archdiocese of North and South America passed a resolution on Cyprus, calling upon the elected Representatives in Congress to retain the embargo.[197] Opponents of the embargo repeal accused the administration of acting in a manner that undermined the effectiveness of the embargo, just as its predecessor had done. The administration, they said, had been unwilling or unable to make the embargo work and had tolerated continued public criticism of the ban by top-level administration officials.

In a letter to Senator Sparkman, the Turkish Ambassador to the United States stated that "the embargo has become a stumbling block to a Cyprus settlement in addition to causing serious damage to United States-Turkish relations and the common defense interests of the West."[198] He also described the Turkish negotiating position and the initiatives taken by the Government regarding Cyprus. The Greeks and the Greek-Cypriots rejected Turkish proposals for a settlement. According to the Ambassador, this constituted a strategy of trying to influence Congress to perpetuate the embargo by fostering the image of "non-progress in Cyprus."[199]

During the hearings before the committee on Armed Services, Secretary Vance stated that:

> the embargo has demonstrated to Turkey and the world the seriousness with which we view any

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[197] Cong. Rec., July 18, 1978, p. 21380.

[198] Cong. Rec., July 25, 1978, p. 22511.

[199] Cong. Rec., July 25, 1978, p. 22511.

> unauthorized use of United States arms. This point of principle has been made. I believe we should now turn a new page.[200]

During the same hearings, General Haig said:

> My personal view is that the failure to lift the embargo will make progress in Cyprus impossible, as it has for three and a half years, whereas lifting it will enhance the prospect for such progress.[201]

He added that if the embargo were not reversed, among other consequences, "the American military presence would be expelled from Turkey." General Haig also reported that the military authorities of the entire alliance personally voiced their "deep concern" to him that continuation of this embargo would "represent for the United States a self-defeating course."[202] Likewise, German Foreign Minister Genscher informed Secretary of State Vance that the nine foreign ministers of the European Community nations had unanimously asked the Federal Republic of Germany, as President of the Community, to inform Secretary Vance that "it would be helpful if the embargo against Turkey were lifted."[203] In addition, Deputy Secretary of State Warren Christopher, Ambassador Clark Clifford and Chairman of the Joint Chiefs of Staff General David Jones stated that continued maintenance of the embargo would be harmful to the United States, Turkey, Greece, and NATO.[204]

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[200] Cong. Rec., July 25, 1978, p. 22519.

[201] Cong. Rec., July 25, 1978, p. 22519.

[202] Cong. Rec., July 25, 1978, p. 22519.

[203] Cong. Rec., July 27, 1978, p. 23158.

[204] Cong. Rec., July 25, 1978, p. 22518.

The proponents of keeping the arms embargo were prepared to the defeat the administration's proposals. They insisted that the key issue in judging whether the embargo should be lifted or retained had to be "substantive progress" in negotiations. According to them, the Turkish proposals were not "sufficient" and not good enough.

The proponents of the arms embargo circulated five letters giving reasons why the embargo should be maintained. These letters focused on five arguments: First, the Turkish arms embargo was required as a matter of law. Second, the embargo had never been given a chance to work, both administrations having acted in a manner which undermined the effectiveness of the embargo and signaled Turkey that she did not need to take the ban seriously. Third, the Administration's tilt toward Turkey was shortsighted and extremely dangerous to vital American interests abroad, and a vote to continue the embargo was regarded as the only way to bring about the full participation of both Turkey and Greece. Forth, Turkey had failed to respond substantively to previous congressional concessions with respect to the embargo. Finally, a decision by Congress to surrender to the Administration's pressure on the Turkish arms issue would adversely affect congressional activism in foreign affairs and would enable some members of the executive branch to continue to press their efforts to bypass Congress. Each one of these reasons, in the view of the embargo proponents, was sufficient for voting to continue the embargo. The counter-arguments provided by Representative Hamilton

in response to these letters were: that the Turkish arms embargo was not required as a matter of law and that repealing section 620(x) of the Foreign Assistance Act of 1961 was a matter of policy to be decided by Congress; that the embargo did not work because Turkey, as an independent and proud nation, stated publicly that it was not going to "buckle" under American pressure; that the Administration had complied with the embargo and had made over a hundred good faith efforts to urge the Turks towards a settlement in Cyprus; that to lift the embargo was no "tilt" toward Turkey in United States policy and that since there existed an embargo against Turkey but not Greece, the actual tilt had been toward Greece; that Turkey had recently made detailed, constructive proposals which gave new hope for successful progress; that the Congressional legislative process could not determine immediate Turkish moves and concessions on Cyprus; that the vote on the embargo would not adversely affect Congressional activism in foreign affairs, but rather it would continue to help produce better policies which served the national interest.

The Carter Administration, aware of the possibility of a congressional defeat termed the removal of the arms ban "the most immediate and urgent foreign policy decision to be made by the current legislative session."[205] Finally, following a prolonged debate in Congress, first the Senate by a vote of 57 to 42, and then the House (by 208 to 205) repealed the military arms embargo on Turkey. Even so, every sixty days the President was required to certify to Congress

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[205] Cong. Rec., July 10, 1978, p. 20020.

that Turkey was acting in "good faith" to reach a settlement on Cyprus. By retaining the linkage between arms supplies to Turkey and progress towards a settlement, however, President Carter was placing the United States Congress in the position of being both judge and jury in determining what constituted progress and who was guilty of impeding a settlement.

On September 26, 1978, President Carter signed the International Security Assistance Act, which included the lifting of the arms embargo. Although no action was taken on the bases agreement, Turkey announced on October 4, the reopening of four important defense installations. The four year struggle between the executive and legislative branches was over, at least in regards to this issue. On the other hand, after a three and one-half years of humiliation and deprivation, Turkey faced the questions of whether she would once again depend solely on the United States as a reliable ally and whether she would embrace NATO as ardently as in the past, questions that only time could resolve.

CHAPTER IV

AMERICAN FOREIGN POLICY MAKING AND THE EMBARGO ISSUE

The study considered here involves one of the difficult foreign policy issues which faced the United States during the 1970s. The study describes a struggle between the legislative and executive branches to determine the direction of American foreign policy and focuses on a conflict between the United States and Turkey in particular. The legislative-executive battle described in Chapter III is one of the recurring themes of congressional versus presidential dominance in the formulation of foreign policy, although the long-term trend has clearly favored the latter throughout American history. Recently, that trend toward presidential preeminence, however, has been significantly reversed, as expressed by Gerald R. Ford:

> The pendulum has swung so far that you could almost say we have moved from an imperial Presidency to an imperiled Presidency. Now we have a Congress that is broadening its powers in foreign relations too greatly.[1]

Chapter I provided the groundwork for understanding the principal courses of recent congressional assertiveness and activism in the foreign policy field. In this final chapter, the purpose is to identify the significant consequences of the current "forceful exercise of the legislative role" in American foreign relations, particularly with regard to Turkey and the embargo issue.

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[1]Marvin Stone, "Presidency: Imperial or Imperiled?" U. S. News & World Report, 86, Jan 15, 1979, p. 88.

While some commentators have welcomed congressional activism in foreign affairs as an accomplishment in reversing the trend toward "virtually unchecked executive authority" in the field of foreign relations, others have serious reservations concerning the effectiveness and productiveness of congressional foreign policy formulation.[2] Even J. William Fulbright, who was a significant critic of excessive presidential power, commented recently, "I confess to increasingly serious misgivings about the ability of the Congress to play a constructive role in our foreign relations."[3] As Crabb and Holt put it, "If the House and Senate have now established--and can be expected to maintain--an influential congressional presence in the foreign policy field, how well are they equipped to continue to play this role?"[4]

Congress can check and direct presidential policies by debating, criticizing, reviewing, amending and blocking an action. In foreign affairs, what Congress can not do is to formulate continuing policy, nor can it negotiate with foreign powers or act quickly in response to changes in the international environment, substituting one tactic for another as becomes necessary. According to Henry Kissinger:

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[2]Cecil V. Crabb, Jr., and Pat M. Holt, Invitation to Struggle (Washington,D.C.: Congressional Quarterly Press, 1980), pp. 204-208.

[3]J. William Fulbright, "The Legislator as Educator," Foreign Affairs, 47, No. 4 (1979), p. 719.

[4]Crabb and Holt, p. 215.

> The Congress can set broad guidelines and decide basic policies. But the Congress does not have the organization, the information, or the responsibility for deciding the tactical questions that arise daily in the conduct of our foreign relations or for executing a coherent, consistent, comprehensive policy. The President has this responsibility and must be permitted to exercise it on behalf of the entire nation.[5]

In asserting its constitutional rights Congress has tended to limit the power of the executive from time to time, paralyzing American foreign policy unless the Administration "abandoned or changed" a specific course of action, rather than to make positive legislative moves. Some of Jimmy Carter's aides argued that:

> Congress ties the President's hands on foreign policy, scrutinizing and criticizing every move he makes, sometimes jeopardizing relations with our allies and unpredictable foes.[6]

That is basically what happened in the Turkish embargo case. The administration had not been particularly successful in resolving the Cyprus crisis. The Administration made the initial mistake of justifying aid to Turkey on the basis of national security at a time when the credibility of that justification was low due to President Nixon's reliance on national security arguments to cover up illegalities. Congressional intervention, however, did not solve the problem or alleviate the inadequacies of the executive branch's policy. On the

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[5]Henry Kissinger, "America's Destiny: The Global Context," The Department of State Bulletin, LXXXIV, No. 1914 (1976), p. 256.

[6]"What Carter's Aides Really Think of Congress," U. S. News and World Report, 85, Aug. 14, 1978, p. 15.

contrary, congressional action clearly "escalated" and "prolonged" the crisis and made matters worse by causing additional problems to arise.[7]

The decentralized character of Congress is only part of its difficulty in formulating a coherent and unified foreign policy strategy. There is also the problem of a lack of competence, knowledge, interest or experience on the part of the individual legislators. Congressmen rarely have the time or interest to become experts on defense or foreign policy issues. Thus, decisions are usually taken on the basis of general political considerations of congressmen, each running for re-election and each concerned with the prejudices of various ethnic and special interest groups in his or her district. Thus, in the case of the Turkish embargo many congressmen were uninterested or uninformed about the realities of the Cyprus situation, the importance of Cyprus to Turkey and the long-term consequences of an embargo decision. As Representative Symington remarked:

> If the 535 member Congress thinks its collective wisdom is all that is necessary to break the deadlock (over Cyprus), it engages in a presumption commensurate with its size.[8]

Furthermore, the congressional participants tend to focus on one aspect of a foreign policy problem--such as the legal aspects of the Turkish arms embargo case--and to let a judgement on that aspect determine policy on a complex issue.

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[7]Keith R. Legg, "Congress as Trojan Horse?: The Turkish Embargo Problem, 1974-1978," in Congress, the Presidency and American Foreign Policy, ed. John Spanier and Joseph Nogee (New York: Pergamon Press, 1981), p. 128.

[8]"Controversy Over the Cutoff of Military Aid to Turkey,"

Congress often sees the setting of foreign policy as a law making process, a myopic view which does not correspond to the needs of diplomatic negotiation. When Congress legislates, it acts narrowly and inflexibly. The enacted legislation becomes an institutionalized and rigid solution to a temporary problem. Because of the nature of the legislative process, a law may be passed in response to a certain set of events yet remain in effect despite changes in the situation. Flexibility and timing are critical in dealing with foreign policy problems, but these are almost impossible to achieve through legislation. Secrecy is often vital but is usually sacrificed when solutions are legislated. Congressional involvement in the detailed supervision of the day-to-day conduct of foreign policy produces unnecessary complications:

> As Congress requires additional certifications, notifications of intent, and other positive responses from the administration before specified foreign policy activities commence, the opportunity for bureaucratic missteps increases. The regular bureaucratic processes produce letters and documents and send them on to Congress. In the case of the Turkish embargo, several of these routine notifications arrived at inopportune times, disrupting Greek-Turkish negotiations, or suggesting to Congress administration duplicity or deceit. In other instances, the notifications to Congress occur after the negotiation with the foreign government is complete. An adverse congressional reaction complicates, often unnecessarily, the relations.[9]

In the Turkish embargo case, Congress through a series of deadlines, dictates and threats attempted to influence the behavior of the

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Congressional Digest, 54 (1975), p. 127.

[9]Legg, p. 129.

Turkish government. Such actions, and particularly the congressional linkage of arms aid for Turkey with Turkish concessions on Cyprus, neither forced nor encouraged Greek-Turkish negotiating concessions. Rather, it stiffened the Turkish position, making any possibility of a settlement on Cyprus much more remote; it poisoned relations between Ankara and Washington; it destroyed American diplomatic leverage in trying to help both sides reach a peaceful agreement; it contributed to the deterioration of Turkish military capabilities and thus weakened the Southeastern flank of NATO; it called into question the status of United States installations in Turkey; and it aggravated the already existing animosity between Greece and Turkey thereby increasing the possibility of future conflict in the region. Moreover, while the Turks found the embargo a painful humiliation and resisted making substantial concessions under the duress of the embargo, the Greek side was not likely to negotiate with the Turks so long as they hoped that the embargo would force Turkey to make additional concessions. As a result, the embargo produced a vicious circle which prolonged the Cyprus issue. Finally, the major consequence was to decrease Turkey's reliance on her United States and NATO commitments and to cause Turkey to re-evaluate her security ties to the United States.

The legislators failed to realize that they did not hold the key to the Cyprus situation and that they could not force one of the negotiating parties to make concessions through statutory command. It was a mistake to expect Turkey to respond to moves by the United States Congress with immediate moves on Cyprus. The Cyprus conflict had involved decades of inter-communal tensions, and its resolution

required detailed and complicated negotiations. Turkish moves on the Cyprus issue could only be made possible through negotiations between Greek and Turkish Cypriots, not directly and immediately through Congressional legislation. The Congressional legislative process could not determine the moves, concessions and compromises which might have been part of a Cyprus settlement. Forceful Congressional action, such as the arms embargo, however, could effect the timing and the environment in which negotiations did or did not take place. The embargo had a negative impact on the Cyprus negotiations and helped to create an environment in which the parties would not seriously negotiate.

Legislation influences both the process and the substance of decision-making. The questions of policy are transformed into questions of statutory interpretation through the greater involvement of law-makers in the foreign policy issues. No matter how detailed the legislation may be, there is always considerable space for interpretation. What constitutes "legitimate self-defense" or "substantial violation" or "aggressive or offensive purposes" or "substantial progress toward agreement" or "good faith efforts?" How much is "substantial?" Some interpretations can usually be found in order to avoid strict compliance with a statutory command. This conduct, however, creates conflict between the executive and legislative branches, thus leading to more legislation.

The proponents of imposing and maintaining an arms embargo on Turkey began with the premise that Turkey had violated provisions of American law when she used United States supplied equipment during her

military action in Cyprus. However, it must be noted that the issue is far from simple or clearcut. As a guarantor of the independence of Cyprus under the 1960 Accords, Turkey had the responsibility of protecting the integrity and independence of Cyprus when the Greek Government helped to engineer the overthrow of Archbishop Makarios. Turkey was then caught between conflicting legal responsibilities. If Turkey had not acted to protect the Turkish Cypriots, who were threatened by the coup, she would have been ignoring her legal and moral obligations. On the other hand, by acting she was in fact placing herself in violation of American law. Whatever her position with respect to American law, Turkey felt she was acting according to international law and the 1960 Accords to which she was a party.

Since Cyprus's independence in 1960, Greece had been systematically violating her bilateral agreements with the United States by secretly sending United States arms to Cyprus. The proponents of the embargo showed no interest in applying the law in other cases in which recipients of American arms may have violating agreements with the United States on the prescribed uses of United States supplied equipment. The Library of Congress lists over twenty cases since the 1950s when foreign countries may have violated bilateral agreements with the United States.[10] When Israel raids Lebanon, is that action aggression and a violation of the Foreign Assistance and Military Sales Acts, or is it "legitimate self-sefense?" Thus, from the Turkish point

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[10] Cong. Rec., July 28, 1978, p. 23305.

of view, her action in Cyprus is a defensive maneuver in behalf of the Turkish Cypriots on the island and in protection of her security interests. There is room for disagreement, therefore, on the degree of violation on whether Turkey was in "substantial violation" of the Foreign Assistance Act. The United States ought to treat her allies equally and even-handedly and should abstain from forcing or applying her laws on the allies selectively. It is necessary to question whether the "rule of law" is enhanced by its unyielding and selective application. In short, on such complicated disputes between two important allies, the executive and the legislative branches of government need to avoid the pretense that moral, legal and policy issues are simply black and white ones which can be easily judged. Representative Symington made the following remarks in Congress:

> The Cyprus question provides another example of how Congress would lay its heavy hand on the fragile pen of diplomacy.
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> The problem appears simple to Congress. It is merely one of first principles: The provisions of the law are broken when one NATO power uses United States arms, not defensively but offensively, against another or a neutral. A factor? Definitely.
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> The principal factor? Reverse the players and see. Let us assume the Turkish enclave produced a militant force which threatened the Greek sector, and Greek troops arrived first to defend, but then to attack and occupy the Turkish sector. Would the same impulse to curtail aid to Greece until the withdrawal of those troops be manifested with such firmness on the House floor, particularly if the President asked for time and patience? Candor compels a negative response to the hypothetical. What is it then that impels the Congress to take over the negotiations on Cyprus in this instance? The law only? No, the

> law buttressed by sentiment which evokes a sympathetic response from every minority which looks upon its respective kindred people overseas as an endangered species.[11]

In the Turkish embargo issue, the President and members of Congress took different positions on how to resolve the crisis. On the other hand, an effective foreign policy requires a partnership between the executive and legislative branches. A unified foreign policy approach under the leadership of the executive is necessary for effective diplomacy. Since Congress and the executive branch share constitutional responsibilities in foreign policy, the executive needs to seek the help and support of Congress in formulating long-term policies. On the other hand, Congress should avoid formulating bargaining positions or dictating absolute terms to the executive for negotiating foreign policy. Congress should also resist the temptation to resolve every disagreement with the White House by a new statutory command. The relationship between the presidency and a more assertive Congress should make it possible to produce a single national policy--as intended--in dealing with the many difficult and complex problems in foreign relations, instead of creating new executive-legislative conflicts and difficulties in making foreign policy.

Furthermore, the setting of the foreign policy course should be based on an enlightened understanding of the complete context of the countries and peoples involved, not simply on the internal political dynamics of American society or on pre-established notions of the East-West geopolitical competition. Policy makers in the United States,

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[11] Cong. Rec., May 19, 1975, p. 14988.

both in the executive and legislative branches, have failed to understand the internal politics or the foreign policy goals, responsibilities and interests of Greece and Turkey. Since World War II, the primary American interest in the Eastern Mediterranean has been the containment of Soviet expansionism and the achievement of the larger foreign policy goal of East-West stability. In other words, the framework of American policy based on Soviet-American relations has usually provided the grounds for interpreting and resolving the problems in the region. In this context, Greece and Turkey, as NATO allies, are "assumed to share" the United States's goals and interests.[12]

The preservation of the NATO alliance and the importance of collective security have guided the United States's policy toward Greece and Turkey. As an inter-allied dispute, Cyprus threatened the cohesion of the Western alliance and thus complicated the achievement of the interests and goals of the United States. On numerous occasions the acuteness of the Greco-Turkish conflict over Cyprus--among other disputes--brought threats of war between the two NATO partners. Such a conflict would have brought irreparable damage to NATO's Southeastern flank and would have increased the risk of possible Soviet involvement. Therefore, whenever conflicts have erupted between Turkey and Greece, American responses have generally been guided by the general issue of NATO security requirements and the necessity of

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[12]Legg, p. 109.

Greek-Turkish cooperation within NATO. There was little knowledge of, understanding of, or concern for the "internal politics" of either country and not much thought was given to the traditional conflicts between them.[13] Hence, due to the important place of NATO in the structure of American foreign policy, it is not surprising that any alteration in the existing relationship between Greece and Turkey has been viewed with alarm.

Twice before, in 1964 and 1967, the United States prevented Turkey from protecting its rights in Cyprus, stressing the importance of NATO and collective security. From the United States's perspective, allies were not supposed to engage in activities that would weaken or destroy NATO. Hence, President Johnson's letter to the Prime Minister of Turkey, provides a clear illustration of the line of thought and of the general United States approach to the problems in the region.[14] First of all, President Johnson indicated that the United States saw no enemy for Turkey other than the Soviet Union and believed that Turkey's rights could be violated only by the Soviet Union. Thus, if another country, particularly a member of NATO, violated Turkey's rights and interests, Turkey should not resist. In other words, the United States's thinking on the Cyprus question was the following: The important problem in the whole Cyprus issue is the prevention of war between the two allies. Thus, the violation of Turkey's rights by another NATO ally could not be construed to be

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[13]Legg, p. 127.

[14]See pp. 38-39 of this thesis.

a cause for war since this did not effect the NATO community unfavorably vis-a-vis the Soviet Union. Furthermore, the United States did not intend to invoke the NATO mechanism in favor of Turkey, as long as no direct Soviet aggression occured, even though the most vital Turkish security interests were at stake.

The Greek and Turkish national goals and priorities differed during the Cyprus dispute from the essential American priority, which was to maintain stability in the Eastern Mediterranean. Greece and Turkey, both of which had established close bilateral ties with the United States, expected her support for their own causes. Both of the allies sought great power assistance in terms of political support, in return for maintaining their commitments to the alliance. But, to the contrary, the United States, due to her internal division over the direction of her policy toward Greece and Turkey regarding the Cyprus problem, alienated both countries. Greeks left the military structure of NATO. Turkey started to re-evaluate her ties to the United States. From the Turkish perspective, if Turkey was an important ally for the United States and if her military contribution to NATO and to the collective security were crucial for the United States's interests, she should not suffer the humiliation of an embargo and should not be forced to allow her military capability to deteriorate. If the United States would not help the modernization of Turkish armed forces for her security interests, then national economic and defense policies would have to be re-examined and friendlier relations with states outside NATO would have to be pursued.

The proponents of maintaining the embargo in several instances argued that resuming aid to Turkey would seriously jeopardize United States-Greek relations. In my view, the basis of United States dealings with one ally--Greece--should not depend upon what she does with another ally--Turkey. The United States should not adopt a policy that would force her to choose between good relations with Turkey and good relations with Greece.

Several recent events in which Turkey has failed to get Western support for her policies or actions have caused many Turkish politicians, thinkers and commentators to question the value to Turkey of both her large-scale military commitment to NATO and her significant alignment with the West, especially the United States, in most other fields. The Turkish people, therefore resent the general lack of support they receive from their allies particularly in any dispute involving Greece. The Turks regard themselves as less than fairly treated. How else, can one explain, the European Human Rights Commission's condemnation of the actions of the Turkish Army following the 1974 intervention in Cyprus, which ignored the many years of Greek and Greek Cypriot oppression of the Turkish Cypriot community prior to the intervention? How does one account for American Congressional refusal to extend the arms sales necessary to enable Turkey to fulfill her NATO role other than by admitting Congress's yielding to the dictates of the Greek-American lobby?

There is a Turkish side of the story regarding several issues--poppy, exploration of the Aegean sea bed and Cyprus in particular--

which, unfortunately, has not been well presented. If the West, the United States in particular, is to truly help to resolve the problems between Greece and Turkey, the legitimate needs and interests of all the parties involved have to be recognized, including those of Turkey. Any solution not based on this principle will not endure, and Turkey will almost certainly begin to loosen its ties with the West, to adopt a stance of political neutrality and to seek closer economic links with the Middle East, Soviet Union and Eastern Europe.

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APPENDIX

CHRONOLOGY

July 1, 1974	The Turkish Government announces its decision to resume cultivation of opium poppies.
July 1, 1974	A resolution is introduced in the House of Representatives, calling for a cut-off of all financial assistance to Turkey.
July 8, 1974	The Mondale amendment to the Comprehensive Drug Abuse Prevention and Control Act of 1970 is proposed. The amendment calls for a suspension of aid to Turkey until the Administration determines that a ban on the growing of poppies in Turkey is again in effect.
July 11, 1974	The Mondale amendment is passed (81-8). The modified amendment calls for a suspension of aid to any country, as of January 1, 1974, unless the President certifies to Congress that such country is effectively preventing the diversion of opium into illicit markets.
July 15, 1974	The President of Cyprus, Archbishop Makarios, is overthrown by a coup d'etat planned and supported by the Greek military junta.
July 20, 1974	Turkey starts its First Peace Operation in Cyprus, justifying her action on the 1960 Treaty of Guarantee.
July 22, 1974	A ceasefire is declared in Cyprus.
July 23, 1974	Greek military government collapses. Former Prime Minister Karamanlis forms a new civilian government.
July 25-30, 1974	The Foreign Ministers of Greece, Turkey and the United Kingdom hold discussions in Geneva.
August 2, 1974	Representatives Brademas, Bafalis, Sarbanes and Yatron, Greek-Americans all, introduce House Concurrent Resolution 577, which calls for an immediate withdrawal of all foreign troops from Cyprus.

August 5, 1974	Representatives Wolff, Rangel and Rodino introduce a resolution in the House calling for suspension of all United States assistance to Turkey, unless the President assures that adequate control measures have been developed to prevent the smuggling of Turkish heroin.
August 8, 1974	President Nixon resigns.
August 9, 1974	The Foreign Ministers of Greece, Turkey, and the United Kingdom with the participation of the Turkish and Greek Cypriot delegations hold the Second Geneva Conference.
August 12, 1974	Senators Mondale and Buckley introduce a resolution in the Senate identical to the resolution passed in the House on August 5, 1974 concerning the poppy issue.
August 13, 1974	The Second Geneva Conference collapses.
August 14, 1974	The Turkish Government launches its Second Peace Operation in Cyprus.
August 14, 1974	The Greek-American Representatives and others introduce House Resolution 1319 calling for a halt to all United States sales and assistance to Turkey until all Turkish Armed Forces are withdrawn from Cyprus.
August 15, 1974	A delegation of Greek-American Congressmen led by Representative Brademas proposes a ban on military assistance to Turkey in a meeting with Secretary Kissinger.
August 16, 1974	The Second Turkish Military Operation in Cyprus is completed.
August 19, 1974	A journalist raises the legal issue for the first time at a press conference held at the State Department.
August 29, 1974	Representative Brademas raises the legal issue in the House of Representatives.
September 3, 1974	A State Department "leak," concerning the legal ramifications of the Turkish military aid question, to Senator Thomas Eagleton draws his attention to the illegality of further military aid to Turkey.

September 5, 1974	Senator Eagleton brings the legal issue to the Senate floor.
September 19, 1974	The Eagleton-Stevenson (Senate) amendment to the Import-Export Bank Bill, which favors an embargo on further military assistance to Turkey is passed (64-27).
September 24, 1974	The Rosenthal-Du Pont (House) amendment to the Continuing Appropriations Bills for the fiscal year 1975, which favors an embargo on United States military assistance and sales to Turkey until "substantial progress" toward an agreement on military forces in Cyprus could be achieved, passes (307-90).
September 30, 1974	The Eagleton (Senate) amendment to the Continuing Appropriations Bill for the fiscal year 1975 is passed (57-20). The amendment favors an embargo on United States military assistance and sales to any country that uses United States arms and aid in violation of United States laws (passed, 57-20).
September 30, 1974	The House-Senate conference committee amendment to the Eagleton amendment (Senate), which suspends further military aid to Turkey unless and until the President certifies that Turkey is demonstrating "good faith efforts" toward a negotiated settlement on Cyprus is defeated.
October 1, 1974	The Scott (Senate) motion, which favors recommitting the Continuing Appropriations Bill to the appropriate committee for the purpose of eliminating the Eagleton amendment is proposed and defeated (59-29).
October 7, 1974	The Mahon (House) motion, which favors acceptance of the House-Senate conference amendment to the Eagleton amendment in the Senate fails to pass (291-69).
October 9, 1974	The McClellan (Senate) motion, which agrees with the Rosenthal amendment in the House, noting that "substantial progress" must be demonstrated by Turkey regarding its military forces in Cyprus is passed (62-16).

October 9, 1974	The Mansfield (Senate) motion is passed (40-35). It permits the continuation of military aid to Turkey until December 15, 1974, if the President determines that such implementation will help further peaceful negotiations.
October 11, 1974	The Mansfield resolution, which is passed in the Senate, is reviewed and defeated in the House (187-171). The Continuing Appropriations Bill is passed.
October 14, 1974	President Ford vetoes the bill.
October 15, 1974	An attempt to override the President's veto fails (223-135) to muster the necessary two-thirds majority.
October 16, 1974	Mansfield (Senate) amendment to the Continuing Appropriations Bill--new legislation, which permits the President to continue military aid to Turkey until December 10, 1974 if aid is determined to be useful in promoting a peaceful settlement on Cyprus is defeated (40-27). Rosenthal amendment passes (45-23).
October 16, 1974	The Rosenthal (House) amendment to the Continuing Appropriations Bill--new legislation, which favors an immediate withdrawal of United States military aid to Turkey if the latter violated the United States supplied equipment in Cyprus is passed (194-144).
October 17, 1974	President Ford vetoes the Bill for the second time.
October 17, 1974	An attempt to override the President's veto with a two-thirds majority is defeated (161-83).
October 17, 1974	President Ford signs the Third Continuing resolution that includes postponement of an aid cut-off until December 10, 1974 if Turkey observes the cease-fire and does not increase its forces in Cyprus and does not transfer United States military equipment there.
December 4, 1974	The Humphrey (Senate) Amendment to the Eagleton amendment to Foreign Aid Bill, which allows the President to delay the embargo on military aid to Turkey until February 5, 1975 passes (55-36).

December 11, 1974	The Rosenthal-Du Pont (House) amendment to Foreign Aid Authorization bill is passed (297-98). It calls for an immediate withdrawal of United States military aid to Turkey.
December 31, 1974	President Ford signs the Foreign Assistance Bill that defers the aid cut-off to Turkey until February 5, 1975.
February 5, 1975	The embargo goes into effect.
May 19, 1975	A special (Senate) motion to restore aid to Turkey if the President determines that doing so will contribute to negotiations concerning Cyprus is passed (41-40).
July 24, 1975	Consideration of a special (House) motion to partially lift the embargo is defeated (223-206).
July 25, 1975	The Turkish Government announces its decision to close most of the United States installations in Turkey.
July 31, 1975	A special (Senate) motion to partially lift the embargo on military sales to Turkey (similar to the motion which had been defeated in the House) is passed (47-46).
October 2, 1975	A compromise bill to partially lift the embargo passes (237-176).
April 2, 1978	President Carter, reversing his previous position, urges an end to the Turkish arms embargo.
July 26, 1978	Senate action repeals the embargo (57-42).
August 2, 1978	The House votes to end the embargo (208-205).
September 27, 1978	President Carter lifts the embargo on military assistance and sales to Turkey.
October 4, 1978	Turkey reopens four important United States military bases.

VITA

Gulay Turhan was born in Simav, Turkey, a small town in West Anatolia, on May 25, 1957. She attended elementary schools in Ankara and was graduated from T.E.D. Ankara Lisesi (High School) in June 1975. In the same year, she took the university entrance examinations and entered the Department of Chemistry Education at Middle East Technical University. Since she was more interested in studying Political Science, she changed her major in 1976 and entered the Department of Political Science and Public Administration at the same university. In August 1980, she received a Bachelor of Science degree in Political Science and Public Administration. In the fall of 1980, she accepted a graduate assistantship at The University of Tennessee, Knoxville and began her study toward a Master's degree in Political Science. She earned her degree in June 1983.

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